

SOUTH AVENUE REDEVELOPMENT PLAN

THE TOWN OF WESTFIELD, NJ







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South Avenue Redevelopment Plan

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1. INTRODUCTION

In recent years, the Town of Westfield has undertaken steps to promote the redevelopment of underutilized and vacant properties in and around the Town's core to create a more vibrant and attractive community. This Redevelopment Plan sets forth a vision and standards for the transformation of five properties along South Avenue East and Windsor Avenue in a manner intended to advance these efforts. These properties are 421-429 South Avenue East (Block 3307, Lot 1), 445-449 South Avenue East (Block 3307, Lot 2), 418 South Avenue East (Block 4004, Lot 17), 338 Windsor Avenue (Block 4005, Lot 3), and 448 South Avenue East (Block 4005, Lot 4). Collectively, these lots are known as the "South Avenue Redevelopment Area."

This Redevelopment Plan permits the construction of a mixed-use development with upper floor multi-family housing, ground floor retail, and open space and will invigorate the subject lots, which presently include exterior storage and vacant commercial and auto service uses. Final design and reuse will reflect contemporary standards and values, as well as provide affordable housing to help meet the Town's affordable housing obligations. Through implementation of this Redevelopment Plan, the Town will facilitate development that is reflective of priorities detailed in previous planning documents.

The redevelopment of these lots was initiated in 2020, when the Town Council determined that the site met the statutory criteria for designation as a non-condemnation area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et seq. The corresponding resolution is included in this Redevelopment Plan as Appendix D. Block 3307, Lots 1 and 2; Block 4004, Lot 17; and Block 4005, Lots 3 and 4 may henceforth be identified as the "Site," "Area," or "Property". Figure 1 below illustrates the location of the South Avenue Redevelopment Plan within the context of the Town.

Westfield Raritan Valley Line

1.1. Redevelopment Area Context Map

Figure 1: Redevelopment Area

1.2. Plan Overview

This Redevelopment Plan ("Plan") establishes parameters for conversion of the Site, which is currently used for exterior storage and is otherwise vacant with former commercial and auto service uses, into a development that will contribute to the vitality of Westfield, improve the public realm, and introduce high-quality architecture. A development consistent with this Plan will make more efficient use of this site in a modern, sustainable, and attractive manner. The Plan satisfies the settlement agreement between the Town of Westfield and Elite Homebuilding, LLC by order of the Superior Court of New Jersey, filed by the court on November 1, 2017, and titled In re Town of Westfield Compliance with Third Round Mount Laurel Affordable Housing Obligations, Docket No. UNN-L-2391-15 (attached as Appendix E).

Given its location in the Town, the Site provides unique redevelopment opportunities for Westfield. The Site abuts the Town's border with Garwood and is approximately 0.6 miles and 0.45 miles from the Westfield and Garwood train stations, respectively. Several blocks from both Downtown Westfield and Downtown Garwood, the Area lies on either side of South Avenue East (County Route 610). While South Avenue East provides easy access to the Site, it is a busy two-lane thoroughfare utilized by commuters, residents, and trucks from the nearby industrial and auto service uses. The Site also abuts the NJ Transit rail right of way to the north. Given its location, the Area requires context-sensitive

solutions that will benefit its future tenants, nearby properties, and the community at large.

This Plan will develop the Site in a manner generally consistent with the SW-AHO overlay, with ground floor retail, multi-family housing on upper floors, and open space. This includes 17,000 square feet of retail and 156 housing units in the North Subzone and 37 units in the South subzone, as well as open space on Block 4004, Lot 17. The North Subzone development will generally be four stories except for the areas directly abutting South Avenue core, where it will be three stories, and the South Subzone development, which will be three stories, except for a designated area along South Avenue which may be up to four stories. Open space, ground floor retail, and enhanced streetscape design will create a vibrant and active public facing environment. The project will employ high-quality architecture and sustainable design to ensure that the Site is attractive to both its tenants and the surrounding community.

- 1.2.1. In accordance with the LRHL [N.J.S.A. 40A: 12A-7. A.2], this Plan establishes the following proposed requirements for the Property:
 - Land Uses
 - Bulk Standards
 - Design Criteria
 - Building Requirements

Unless otherwise stated, the provisions set forth in the Plan shall supersede, govern, and control the standards set forth in the Land Use Ordinance of the Town of Westfield. Any standard, definition, or regulation in the Town of Westfield's Land Use Ordinance that is not specifically addressed by a superseding standard, definition, or regulation in this Redevelopment Plan shall apply as part of this Redevelopment Plan.



2. LOCAL REDEVELOPMENT AND HOUSING LAW

The Town of Westfield determined that the use of the redevelopment powers granted to municipalities under the Local Redevelopment and Housing Law (LRHL) (N.J.S.A 40A:12A-1, et. Seq) would be the most effective approach to revitalize the parcels contained in the Redevelopment Area.

The Area was designated by the Town of Westfield as an "Area in Need of Redevelopment" in accordance with the LRHL in 2020. The corresponding resolutions designating the properties as an "Area in Need of Redevelopment" are included in Appendix D.

For more information, refer to Local Redevelopment and Housing Law (LRHL) Regulations + Policy (Appendix A).



3. RELATION TO OTHER PLANS

Pursuant to the LRHL, "all provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan" (N.J.S.A 40A:12A-7(d)). As well, the redevelopment plan must address "Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan" (N.J.S.A 40A:12A-7(a)(5). The Plan is significantly consistent with and intended to effectuate the Town's 2010 Master Plan. This Plan is consistent with the following plans as detailed in Appendix B.

- Local Master Plan
 - o 2002 Master Plan
 - o 2009 Master Plan Reexamination
 - 2018 Housing Element and Fair Share Plan
 - o 2019 Master Plan Reexamination
 - 2020 Master Plan Vision, Guiding Principles, and Goals and Objectives
- Surrounding Communities' Master Plans
 - Township of Clark
 - Township of Cranford
 - Borough of Garwood
 - Borough of Mountainside
 - Township of Scotch Plains
- Union County Master Plan
- NJ State Development and Redevelopment Plan



4.1. Property Context + Location

All lots on the Site have frontage on South Avenue East except for Block 4005, Lot 3, which fronts Windsor Avenue. The Site is bound by light industrial uses to the east, NJ Transit rail right-of-way to the north, a gymnastics school to the west, auto services to the south and southwest, and residences and the municipal border with Garwood to the southeast.

The Site lies on a commercial and industrial corridor along South Avenue, in between downtown Westfield and Garwood. Except for the core of Downtown Westfield, businesses along this corridor are auto-oriented, characterized by large surface parking lots, drive-thru, industrial uses, and auto services. This corridor is flanked to the north and south by large residential areas.

Figure 2 below displays the Property.

4.2. Project Area Map



Figure 2: Redevelopment Plan Area and surrounding context

4.3. Property History

The first identified development on site took place between 1916 and 1921, and was limited to storage sheds on Block 3307, Lot 3. This is in contrast to the core of Westfield, which was already developed by this time in a pattern largely consistent with present day conditions. Historic aerials from 1931 and 1947 show further development of the site with apparent industrial and storage uses, but development was still confined to Block 3307, Lot 3. By 1966, all lots were developed in an apparently similar form and industrial function to the present-day configuration.

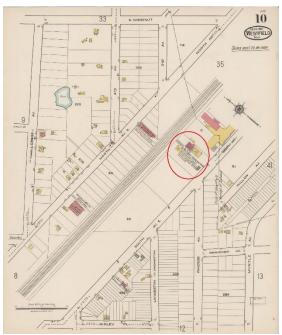


Figure 3: Historic Sanborn map from 1921 showing development in the vicinity of the site.

4.4. Existing Conditions

4.4.1. Property Description

The Property is composed of five lots, which total 5.54 acres in area. The North Subzone comprises 4.14 acres of this on two lots, while the remaining three lots total 1.46 acres south of South Avenue East in the South Subzone.

4.4.1. Existing Development

The site is principally unoccupied. The site used to house auto body repair businesses and light industrial buildings. The only currently occupied lot houses storage for a towing service: landscaping equipment, trash hauling, and dumpsters. The structures and improved surfaces on these lots are in a poor, dilapidated state. Non-conforming uses are also present, in violation of the Town's Land Use Ordinance, and all present uses are obsolete.

4.4.2. Existing Zoning

The SW-AHO affordable housing overlay was created by order of the Superior Court of New Jersey as a settlement between Elite Homebuilding, LLC and the Town of Westfield. The regulations of the overlay are intended to guide the redevelopment project and help satisfy the Town's affordable housing obligations, as required by Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

The table below lays out the use and bulk regulations of the SW-AHO zone. The full SW-AHO zoning is included as Appendix F.

	North Subzone	South Subzone
Principal Uses/Structures	1. Multi-family residence 2. Retail sales and retail serve a strictly local p ground floor only. 3. Private open space, p playgrounds 4. Block 4004, Lot 17: p.	es I services designed to copulation on the private parks, and
	for Block 4005, Lots 3 5. Existing uses permitted zone 6. Development is restricted.	3 and 4 ed by the underlying
Accessory Uses/Structures	 Parking and parking facilities Signs as regulated in Article 16 Antennas as regulated in § 13.04 Accessory uses and structures customarily subordinate to permitted principal uses 	
Prohibited Uses/Structures	Any uses or structures r	not mentioned above
Minimum Tract Area	4 acres	1 acre
Minimum Lot Frontage and Lot Width	600 ft along South Ave	350 ft along South Ave; may be non- continuous
Minimum Yards	Front: 10 ft Side/Rear (ground floor): 5 ft Side/Rear (upper floors): 15 ft	Front: 10 ft Side: 15 ft Rear (opposite South Ave): 25 ft
Maximum Building Height	65 ft measured from average grade to the roof slope 3 stories within 100 ft of South Ave and/or 200 ft of any exiting residential use in the	40 ft measured from average grade to roof ridge 3 stories, including parking

	Town; otherwise, 4 stories. Includes parking	
Maximum Coverage	95%	70%
by Building and Other	Does not include	Does not include
Structures	earthen flood retention basins	earthen flood basins
Maximum Coverage by Improvements	N/A	90%,
Maximum Density	37.77 units/acre	25 units/acre
Maximum Retail Floor Area	12,000 square ft	5,000 square ft
Floor Area	None	
Requirements		

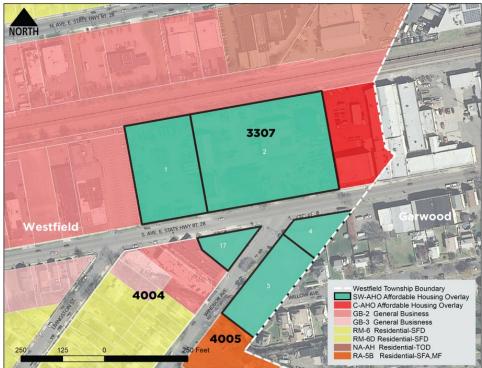


Figure 4: Existing zoning in and around the Redevelopment Area.

4.4.3. Mobility

Road Access: Principal site access is provided by South Avenue East (County Route 610), as well as Windsor Avenue. The Site is also close to State Route 28, a southwest-northeast arterial that provides access to the Garden State Parkway at Exit 137 approximately 2.5 miles northeast of the Site. The Garden State Parkway is also accessible 2.25 miles to the southeast at Exit 135 via Central Avenue, and State Route 22 is approximately 2 miles north of the Site.

<u>Pedestrian:</u> At the border of the Westfield and Garwood, the Property is within walking distance of each of their respective downtowns, which are

approximately 0.7 and 0.6 miles away. Sidewalks run the length of South Avenue to each downtown. The Property is also within one mile of amenities and services such as Unami Park, Winsor Park, Sycamore Field, Gumbert Park, Mindowaskin Park, Westfield High School, Lincoln School, and Edison Intermediate School, with consistent sidewalk access to each of these locations.

<u>Public Transit:</u> The Property is approximately 0.6 and 0.45 miles from the Westfield and Garwood train stations, respectively. Both stations are serviced by NJ Transit's Raritan Valley Line, with eastbound service to Newark Penn Station and westbound service to High Bridge. Nearby bus service on NJ Transit's Route 59 is provided along South Street. This route stops at the Westfield and Garwood train stations and provides local service eastbound to Newark and westbound to Dunellen.



Figure 5: South Avenue Redevelopment Plan Area and neighborhood context.

4.4.4. Property Restrictions + Considerations

NJ Transit Right of Way: The property abuts the NJ Transit Right of Way. Redevelopment must be compliant with Transit regulations for development adjacent to rail rights of way, specifically as they relate to catenary wires.

<u>Contamination:</u> Because of the historically industrial nature of the properties, remediation on both the North and South Subzones is either underway, required, or completed. Remediation required for implementation of this Plan shall take place in compliance with all applicable regulations from the NJ DEP or other applicable regulating bodies.



5. PUBLIC PURPOSES

5.1. Goals + Objectives

5.1.1. Eliminate blighted sites in Westfield

- A. Promote the health, safety, and welfare of Westfield and its citizens by redeveloping underutilized and stagnant properties that could otherwise be used efficiently and contribute to the well-being of the Town
- B. Incorporate contemporary uses that benefit the Town and eliminate non--compatible land uses, such as auto-oriented businesses, and deficient conditions that led to the Site being declared an area in need of redevelopment.
- 5.1.2. Introduce active ground floor uses, such as retail and open space, that create a vibrant environment for residents and businesses
 - A. Promote economic development by providing the necessary framework for new and existing businesses to thrive in the new space.
 - B. Provide sufficient residential and commercial critical mass to create a welcoming environment that promotes residents to use communal spaces, as well as support and maintain retail businesses.

5.1.3. Provide a development that encourages multimodal transportation

- A. Create the necessary circulation patterns and infrastructure to serve the needs of vehicles, pedestrians, and cyclists.
- B. Provide sufficient parking but subordinate parking to create an environment that encourages the use of alternative means of transportation.
- C. Design site access and curb cuts so that they do not adversely affect vehicular or pedestrian circulation and allow vehicles and pedestrians to safely share the streetscape.

5.1.4. Stimulate a pedestrian-friendly environment

- A. Take the initiative by converting auto-oriented uses into pedestrianfriendly developments that encourage residents to enjoy local businesses and amenities by foot.
- B. Incorporate a pedestrian-oriented streetscape that provides an inviting and safe public space for residents to travel and socialize. Such improvements should include adequate street lighting, public benches, picnic areas, bicycle parking facilities, street trees, crosswalks, associated safety signage, and other various streetscape elements.
- 5.1.5. Incorporate high-quality architecture that respects the character of the surrounding area, as well as historic architectural designs
 - A. Ensure that the Site respects Westfield's current and historic architectural aesthetic through rigorous design standards.

- B. Promote iconic architecture that both respects and enhances the built environment of the surrounding area.
- 5.1.6. Employ green infrastructure and sustainable design that minimize the Site's impact on the environment
 - A. Incorporate street trees into the streetscape and green infrastructure elements into building and landscaping designs to reduce runoff, mitigate flooding, and improve local water quality.
 - B. Reduce the environmental impact of the Property through the use of sustainable building standards and materials.
- 5.1.7. Provide a diverse set of housing options to suit the needs of all of Westfield's residents
 - A. Provide affordable housing units that specifically address the needs of residents with special needs.
 - B. Create a vibrant development by ensuring that it is accessible to residents of all income levels.
 - C. Ensure that current Town residents will be able to live in Westfield throughout their lives by providing a diverse housing stock.
- 5.1.8. Create a vibrant community on the Property by strategically integrating open space into the development
 - A. Provide unique open space opportunities that would not otherwise be accessible to residents.
 - B. Create an outdoor environment that encourages socialization, events, and community development.
 - C. Design open space so that it is inviting to residents and encourages its use.
- 5.1.9. Enhance the physical characteristics of town through façade and streetscape improvements
 - A. Develop and enforce façade and streetscape design standards that result in development in harmony with the character of Westfield's most attractive structures.
 - B. Mandate public realm improvements that create a safer and more attractive streetscape.
- 5.1.10. Create expanded and equitable housing options
 - A. Increase the inventory of rental housing options in and around downtown Westfield.
 - B. Establish a mixture of affordable and market-rate units to ensure accessibility to households at a range of income levels.

5.2. Affordability

Affordable housing shall be provided in accordance with the settlement between the Town and Elite Homebuilding (Docket No. UNN-L-2391-15).

In the North Subzone of the SW-AHO, at least fifteen (15) percent of the units constructed, plus three additional housing units transferred to the North Subzone of the SW-AHO zone district pursuant to the settlement approval order, shall be developed and rented at rates affordable to low-, very low- and moderate-income limits in accordance with all applicable regulations of the affordable housing regulations of Article 23, the state's Uniform Housing Affordability Controls (N.J.A.C 5:80-26.1 et seq.) and Council on Affordable Housing regulations (N.J.A.C. 5:97-1.1 et seq.), with any fractional unit to be rounded upward. All affordable units shall be constructed on site and integrated throughout the development. The three additional affordable housing units shall be earmarked for special needs tenants in accordance with the requirements set forth in the settlement approval order. These affordability provisions are consistent with the Town's affordable housing ordinance(s) and adopted Housing Element and Fair Share Plan.

In the South Subzone of the SW-AHO, at least fifteen (15) percent of the units constructed shall be rented at rates affordable to low-, very low- and moderate-income limits in accordance with all applicable regulations of the affordable housing regulations of Article 23, the state's Uniform Housing Affordability Controls (N.J.A.C 5:80- 26.1 et seq.) and Council on Affordable Housing regulations (N.J.A.C. 5:97-1.1 et seq.), with any fractional unit to be rounded upward. All affordable units shall be constructed on site and integrated throughout the development. These affordability provisions are consistent with the Town's affordable housing ordinance(s) and adopted Housing Element and Fair Share Plan.

Excepting applicable exemptions, moratoriums, credits, and reductions, non-residential projects or commercial components of mixed-use projects shall be subject to the Statewide Non-Residential Development Fee Act which requires a fee of 2.5% of the equalized assessed value of the land and improvements.

5.3. Streetscape and Open Space Improvements

Creating a safer and more hospitable pedestrian environment is crucial to the success of any project pursued under this Plan. To that end, redevelopment shall incorporate streetscape improvements that reflect the prioritization of the pedestrian experience. Streetscape improvements shall include street trees, lighting, defined curb lines, seating, and sidewalk construction. The Redeveloper should integrate the streetscape with the proposed project by creating clear pedestrian entrances that are accessible from the sidewalk, and by creating opportunities for outdoor gathering areas through thoughtful hardscaping and landscaping. Specific parameters for streetscape improvements are included in Section 6.6 and will be attached to any adopted redevelopment agreement as an exhibit. All streetscape elements should be designed by a licensed landscape architect.

6. LAND USE + BULK STANDARDS

6.1. Land Uses

6.1.1. Permitted Uses

- A. Artisan Manufacturing (North Subzone only)
- B. Child Care Center (North Subzone only, GFA shall not exceed 12,000 square feet)
- C. Educational Services
- D. Mixed-Use
- E. Multi-family residential
- F. Personal Services (North Subzone only)
- G. Public Area
- H. Open Space
- I. Restaurant (North Subzone only)
- J. Retail Sales (North Subzone only)
- K. Retail Services (North Subzone only)

6.1.2. Permitted Accessory Uses

- A. Outdoor Dining
- B. Sidewalk cafe
- C. Parking structure
- D. Activities and spaces supportive of the needs of residential tenants
- E. Business office, maintenance areas, and other spaces and uses necessary for proper management of the facility¹
- F. Model unit, which shall not be used for residential occupancy and which shall be utilized solely for prospective tenants to view.²
- G. Any uses that are customary and incidental to permitted uses

6.1.3. Permitted Conditional Uses

- A. Microbreweries and Craft Distilleries as per conditions in Section 18.23 of the Town's Land Use Ordinance
- B. Commercial Use of Rooftops as per conditions in Section 18.24 of the Town Land Use Ordinance

6.1.4. Permitted Temporary Uses

A. Temporary uses in accordance with Section 7.5 (South Subzone only)

6.1.5. Prohibited Uses

A. Any uses not specifically permitted herein

¹ Any accessory office use shall be directly related to the management of the facility.

² Model units shall not be counted towards maximum density.

6.2. North Subzone Bulk, Density + Placement Standards

6.2.1. Lot Requirements:

- A. Comprised of Block 3307, Lots 1 and 2
- B. Minimum Lot Area, Square Feet: 90,000
- C. Maximum Building Coverage: 90%
- D. Maximum Impervious Coverage: 95%

6.2.2. Building Placement Standards:

- A. <u>Front Yard:</u> 24' from curb line (including 3' planting strip, at least 6' sidewalk clearance and 3' area for outdoor seating). Front yard setbacks shall exclude eaves, gutters, and similar architectural features.
- B. Side Yard: 18'
- C. Rear Yard: 20'
- 6.2.3. Height: No principal building shall exceed sixty-five (65) feet in height, as measured from average grade to the roof ridge. The maximum number of stories, including parking, shall be four.
 - A. 4th Story Setback: The maximum number of stories, including parking, shall be three stories within 30' feet of South Avenue measured from the curb line and/or within 200 feet of any existing residential use in the Town of Westfield, and four stories beyond 30 feet of South Avenue as measured from the curb line and 200 feet of any existing residential use in the Town of Westfield.
- 6.2.4. Active Ground Floor Uses: Up to 17,000 square feet GFA of Active Ground Floor Uses shall be utilized to activate the South Avenue streetscape and any plaza spaces.
- 6.2.5. Maximum Residential Density: The maximum residential density shall be 37.77 units per acre or a total of 156 units.

6.2.6. Ceiling Height

- A. Ceiling height shall be measured from the top of the finished floor to the finished ceiling above, excluding beam drops and duct soffits
- B. <u>Ground Level:</u> 12' minimum, which requirement shall only apply to the ground level retail.
- C. <u>Upper Level(s):</u> 8' minimum

6.3. South Subzone Bulk, Density + Placement Standards

6.3.1. Lot Requirements:

- A. Comprised of Block 4005 Lot 3, 4 and Block 4004, Lot 17
- B. Minimum Tract Area, Lots 3 + 4: 43,560 square feet
- C. Minimum Tract Area: Lot 17: 11,000 square feet
- D. Maximum Building Coverage: 90%
- E. Maximum Impervious Coverage: 95%
- 6.3.2. Permitted Use, Block 4004, Lot 17: The only permitted use for Block 4004, Lot 17 shall be Open Space.

6.3.3. Building Placement Standards:

- A. <u>Front Yard South Avenue</u>, <u>Windsor Avenue</u>: <u>Minimum 16</u>' from curb line (including 3' planting strip, at least 6' sidewalk clearance and 2' area for outdoor seating). Front yard setbacks shall exclude eaves, gutters, and similar architectural features.
- B. Side Yard: 15'
- C. Rear Yard: 10'
- 6.3.4. Height: The maximum height of the building within 75' of South Avenue as measured from average grade to the eave shall be 55' or 4 stories (including parking). The maximum height of the building for portions of the building more than 75' from South Avenue as measured from average grade to the eave shall be 42' or 3 stories (including parking). Distance from South Avenue shall be measured from the nearest curbline.
- 6.3.5. Maximum Residential Density: The maximum residential density shall be 25 units per acre or a total of 37 units. For the purpose of calculating the maximum residential density, the area of the South Site shall comprise Block 4005, Lots 3 and 4, as well as Block 4004, Lot 17.

6.3.6. Ceiling Height

- A. Ceiling height shall be measured from the top of the finished floor to the finished ceiling above, excluding beam drops and duct soffits.
- B. <u>Ground Level:</u> 10' minimum, which requirement shall only apply to the activities and spaces supportive of the needs of residential tenants that are located along Windsor Avenue and/or South Avenue frontage
- C. Upper Level(s): 8' minimum

6.4. Parking Requirements

6.4.1. Vehicular Parking Requirements

Vehicular parking shall be required for new development or changes in use in accordance with the table below:

Use	Required Parking
Multi-family residential	1.5 spaces/unit
Restaurants*	1 space/3 seats
Artisan Manufacturing, Personal Services, Retail Sales, Retail Services, Educational Services*	1 space/500 sq. ft.
Child Care Center	1 space/each staff member or employee

^{*}No parking shall be required for the first 2,000 sq. ft. of restaurant, artisan manufacturing, personal services, retail sales, retail services

Vehicular parking shall comply with Article 24 of the Town Land Use Ordinance, entitled Electric Vehicle Infrastructure Regulations.

- 6.4.2. Shared parking: In accommodating the parking demand for a development, applicants are encouraged to apply shared parking procedures as described in the Institute of Transportation Engineers report Parking Generation and the Urban Land Institute report Shared Parking. Minimum parking requirements may be waived if a Shared Parking analysis indicates that a site will provide sufficient parking to accommodate projected demand using the shared parking methodology.
- 6.4.3. On-street parking: The redeveloper may use on-street parking to count towards the overall parking requirement. Because South Avenue is a county road, if on-street parking is proposed, the redeveloper is responsible for securing the necessary approvals from the County for the creation of on-street parking prior to issuance of building permits.
- 6.4.4. Off-site parking: Up to 50% of required residential parking may be located off-site within the Redevelopment Area.
- 6.4.5. Tandem parking: Shall be permitted for residential parking subject to testimony of Planning Board approved professionals but is not to exceed 20% of overall parking requirements.

6.4.6. Parking Setbacks

Parking setbacks shall be provided in accordance with the table below:

Setback from:	
Front yard	No front yard
	parking permitted
Side yard	10'*
Rear yard (minimum) (South	10'
Subzone)	
Rear yard parking (minimum)	3'

^{*}No side yard parking shall be permitted to be closer to the front curb than any building façade so as not to encroach in the front yard. Side yard parking shall comply with standards detailed in Section 6.6.

6.4.7. Bicycle Parking Requirements

Bicycle parking shall be provided in accordance with the table below:

Use	Required Parking
Any	1 space/5,000 sq. ft. GFA

6.5. Building Design Standards

Construction within the Redevelopment Area should complement and contribute to the historic character of architecture in Westfield and shall apply to new buildings within the Redevelopment Area.

6.5.1. General Requirements

- A. Prior to the creation of this plan, input was sought via survey of the Planning Board on architectural treatment preferences. The findings highlighted the following key priorities:
 - General character and vernacular should be a mix of loft-style and historic civic structure.
 - Preferred materiality should be brick with a darker windows and accent materials.
 - Fenestration patterns should utilize large window openings and/or tight groupings of smaller windows.
 - Massing should utilize accentuated corners, upper story stepbacks, and clearly defined base/middle/top portioning.
 - Buildings should be modulated horizontally while maintaining a complementary architectural vernacular across the façade.
 - Figures 6, 7, 8, and 9 show exemplary buildings reflective of the standards contained herein.



Figure 6







Figures 6, 7, 8, and 9: Examples of high-quality architecture reflective of standards contained herein.

- B. A minimum of two complementary but differentiated architectural treatments are required within the Redevelopment Area between the North and South Subzones.
- C. Primary entrances shall be defined by architectural features (canopy, portico, or similar).
- D. Buildings shall be generally built parallel to the street frontage and include street facing entrances.
- E. For the purposes of this Redevelopment Plan, the frontage for the North Subzone is South Avenue. Frontage for the South Subzone is South Avenue and Windsor Avenue.
- F. Street facing façades shall be composed so that the rhythm of ground floor attachments and openings harmonize with the rhythm of attachments and openings on upper stories.
- G. Buildings shall have simple massing and details in order to clearly distinguish the main body of the building and the primary pedestrian entry.
- H. The use of awnings and canopies at the first-floor level is encouraged.
- I. All portions of a building within public view from South Avenue or Windsor Street shall employ the same architectural treatment, including materials and color, as the corresponding frontage.

6.5.2. Façades

- A. Building façades shall be built of no more than three (3) primary materials, excluding accent materials, and shall only change material along a horizontal line (with the heavier material below the lighter material), outside corners (where material wraps the corner a minimum of 2'), or inside corners.
- B. Buildings shall be articulated to break up façades and ensure that long monotonous building frontages are not constructed.
- C. Building façades may include horizontal siding, vertical siding with flush joints, stucco, and medium density overlay plywood (MDO) as an accent material in gables, dormers, and bay windows only.
- D. Horizontal siding shall be lap, shiplap, drop, or shingle-style.
- E. Natural materials are encouraged while materials intended to represent natural materials are discouraged.

6.5.3. Openings

- A. Window sizing and spacing shall be consistent with and complementary to the overall façade composition.
- B. As noted herein, the building may be composed of different elements to promote horizontal articulation. Window types shall be consistent within building elements. Window types in different building elements shall be complementary to window types in other building elements.
- C. Building Transparency:
 - Building transparency shall be measured by dividing the area
 of windows and doors by the total façade area of a street facing
 story. Building transparency requirements for the North and
 South Subzones are included in Sections 6.5.9 and 6.5.10.
- D. Openings in walls with siding shall be trimmed with flat casing, a sloping sill, and drip cap at a minimum.
- E. Openings in masonry walls or walls with masonry veneer shall include brickmold casing.
- F. Openings in masonry walls or walls with masonry veneer other than stucco, shall have a precast lintel; masonry arch; or masonry header.
- G. Shutters, if included, shall be the same height as the window, and 1/2 the width of the window. Small windows may have one shutter that is the full width of the window.
- H. Shutters shall be operable or designed and installed as if they were operable including hardware.
- I. Openings, including dormers, should be centered vertically with other openings or shall be centered with the wall between openings.
- J. Openings above should be equal in size or smaller than openings below.

6.5.4. Roofs

- A. For façades spanning more than 30', the roof line or secondary horizontal elements (i.e., minor cornices) shall employ treatments to create architecturally distinct portions of the façade whether it be through sloping, crenulation, parapet design, cornice or other similar approaches.
- B. Sloped roofs shall be a symmetrical hip or gable and have a minimum pitch of 2 $\frac{1}{2}$:12.

- C. Eaves shall be continuous or include appropriate eave returns, unless overhanging a balcony or porch.
- D. The ridge of the primary building should generally be oriented either parallel to or perpendicular to the street.
- E. All gable and hipped roofs of a building, excluding ancillary roofs, should generally have the same slope where visible from a street or open space.

6.5.5. Attachments

- A. Bay windows or other projecting elements are encouraged on façades spanning more than 30' to create articulation.
- B. Permitted attachments include awnings, canopies, bay windows, and chimneys.
- C. Awnings and canopies shall not be internally illuminated.
- D. Balconies shall not be fully enclosed. Balconies with walls on three sides and railings shall not be considered fully enclosed.
- E. Bay windows shall have visible support, either by extending the bay to grade with a foundation or transferring the projection back to the wall with beams, brackets, or brick corbeling.
- F. Chimneys shall extend to grade.
- G. The above standards shall not preclude the provision of outdoor dining.
- H. Balcony, porch, and stoop railings between balusters should have both top and bottom rails.

6.5.6. Permitted Materials:

- A. Permitted foundation materials
 - Brick masonry
 - Stone masonry
 - Cement-parged concrete block
- B. Permitted primary façade materials
 - Brick masonry
 - Stone masonry
 - Cementitious panel / HardiePlank (shall not comprise more than 50% of South Avenue or 70% of Windsor Avenue frontages)
- C. Permitted façade accent materials
 - Cast stone
 - Wood
 - Fiber-cement trim, siding, and panels
 - · Composite trim, siding, and panels
 - Wood siding/shingles
 - Architectural metal
 - Accent materials shall not comprise more than 30% of South Avenue or Windsor Avenue frontages
- D. Prohibited materials
 - Materials not listed as permitted shall be prohibited.

6.5.7. Vertical Rhythm

A. <u>Generally:</u> The design of all structures shall incorporate a clear visual division between the base, middle and top as described below. These elements shall be established using cornice lines, windows, or similar horizontal architectural elements.

- B. <u>Building Base:</u> The base is defined as the first story of the building. Building base and ground floor shall be clearly defined utilizing the following architectural elements:
 - Ground floor storefronts should be distinguished from upper floors. Use of a horizontal element such as a lintel or canopy allows for flexibility in storefront design without interruption of repeated vertical elements used in upper floors. Residential ground floors may use similar techniques, or may include alternative strategies such as stoops, entryways, or other openings, to create contrast with upper floors.
 - The relationship of width to height of windows and door openings at ground level should be visually compatible with openings in the same building façade and/or other nearby or related structures.
 - Generally, massing should be oriented towards the base of the building.
 - Awnings/canopies are encouraged, particularly at primary entrances.
- C. <u>Building Middle:</u> The middle shall be defined as the space between the top and base portions of the building. This space may be broken up through the use of more subtle and subdued horizontal architectural elements.
 - Enclosed architectural projections (such as bay windows) up to five feet are allowed beyond the primary façade or projected façade components of the building, but minimum sidewalk width must be maintained.
 - At the discretion of the Planning Board, projections over five feet are allowed above the first story, so long as they do not project into the public right-of-way without the legal authority to do so.
- D. <u>Building Top:</u> The top shall be defined as the top floor of the building. Appropriate cornice lines may enhance the top of the building. The top of the building may be differentiated in materials or staggered rooflines. Pitched or gabled roofs are encouraged.
 - Vertical rhythm shall be defined utilizing the following techniques:
 - Awnings or canopies over ground floor entrances.
 - Differentiation between vertical components, as follows:
 - Materials
 - Masonry details
 - Color changes
 - Fenestration changes
 - Inclusion of pre-cast or masonry details to define columns, piers and keystones
 - Decorative gutters, downspouts and scuppers
 - Spacing of columns and piers

6.5.8. Horizontal Rhythm

A. Generally, all buildings shall incorporate elements that divide façade planes and create a visual play of light and shadow. Long, uninterrupted horizontal façades are prohibited.

- B. Horizontal rhythm may be created using the following design elements:
 - Building projections
 - Stepbacks
 - Uniformity and/or variety in fenestration patterns.
 - A balcony or bay window
 - A change in the roofline by including chimneys or by alternating parapet heights
 - A change in building materials that correspond to a change in the façade plane
 - Differentiated lighting fixtures or similar architectural elements.
 - Landscape features such as trellises, trees, or other landscape features
 - Shifting façade planes
- C. Rooflines: Rooflines shall be modulated with the remainder of the façade and can be used as an effective horizontal rhythm technique. Pitched or gabled roofs are permitted. For flat roofs or façades with a horizontal eave, fascia, or parapet, the roofline shall correspond with the modulation of the primary façade.

6.5.9. Parking Garages + Blank Walls

- A. To the greatest extent realistically feasible, all above ground parking structures shall be screened by habitable building space, particularly along South Avenue and courtyard frontages.
- B. Parking that is unable to be screened by habitable building space shall be screened by alternative means, including:
 - Residential stoops
 - Landscaping
 - o Green walls
 - False windows
 - o Balconies
- C. Garage fenestration shall be designed to shield vehicle headlights from exterior view to the greatest extent possible.
- D. "Open podium" parking garages are not permitted.
- E. Where applicable, garage openings will be treated with similarly scaled openings as the windows above them. Garage openings shall be located within the same vertical alignment as windows or decorative grills that relate in color and scale to the windows above them. The size and scale of garage doors shall be minimized.
- F. Blank walls, meaning walls that lack fenestration or architectural features, are discouraged. Where blank walls must occur and are visible from the public right of way, measures to mitigate their aesthetic impact are encouraged, including public art landscaping, green walls, and false windows.

6.5.10. Building Design, North Subzone

- A. All standards detailed in 6.5.1 6.5.9 shall apply to the North Subzone unless otherwise stated herein.
- B. The South Avenue façade should be designed in a manner generally consistent with the conceptual elevation included in Figure 10, below.



Figure 10: Conceptual elevation for South Façade elevation of building in North Subzone.

- C. The North Subzone may contain either one or two structures. If a single structure option is pursued, the building should appear to be two separate buildings when viewed from South Avenue. The structures are to be visually separated by a landscaped courtyard with an adjacent dropoff area also serves as a loading area for passengers and deliveries.
- D. This courtyard should be at minimum 90' wide. A licensed landscape architect should design the streetscape and courtyard space to encourage pedestrian and resident lingering with creative plantings, seating, and lighting among other items. The design of this courtyard shall be attached as an exhibit to any adopted redevelopment agreement(s) related to this redevelopment area. For areas where the courtyard is adjacent to the parking structure, the visibility of parking should be minimized through architectural design elements or landscaping features.
- E. The dropoff area should be designed in a manner that allows it to function for vehicular circulation while creating an inviting environment for pedestrians. The dropoff area should be designed in a manner that allows it to easily be converted to open plaza space on a temporary basis. This may be accomplished by using shared street strategies to emphasize pedestrian priority, like textured pavement materials that are flush with the curb or other similar approaches.
- F. In the event a single structure is proposed, the two primary elements of the building may be connected with an enclosed corridor or open portico designed in a manner consistent with the remainder of the building. This physical connection shall be located no closer than 175' from the South Avenue right-of-way.
- G. The ground floor of the building should be constructed using a dark material, to create contrast with the upper floors. Large storefront windows should be utilized along the ground floor to create an open and active environment. Figure 9 may be used as a precedent for this element of ground floor design.
- H. The corners of the building adjacent to South Avenue and the courtyard should be capped with a distinctive architectural feature, such as a tower. This feature should create a visual gateway and signal an entry point into Westfield. The tower should contrast the remainder of the building. The roof of the tower should be differentiated from the balance of the building through the use the copper, zinc, or similar high quality cladding. The tower may include fenestration to give the appearance of a fifth story. This fifth story shall not be inhabited. Tower elements as shown in Figure 8 may be used as a precedent for this element.
- I. Along the South Avenue façade, the building should be articulated using three story projecting elements clad in brick. These projections

- should be topped with a dark intermediate cornice, and should be roughly every 50 feet on center.
- J. The primary façade plane may extend up to 4 stories. The primary façade should be clad in a material that contrasts with brick projecting elements in its color and texture. Fenestration and articulation of the two façade elements should be complementary to one another.
- K. Ground floor entrances shall be provided along South Avenue at least every 50 feet.
- L. Entrances along South Avenue or the courtyard may utilize "garage" style doors to create integration between the ground floor space and the adjacent outdoor spaces.
- M. Facades that do not front on South Avenue, to the extent that they are visible from South Avenue, should be designed in a manner consistent with, and complementary to, the South Avenue façade, in terms of materials and overall treatment.
- N. No garage entry points shall be permitted along South Avenue.
- O. The ground floor of the South Avenue facade shall have a minimum transparency of 65% and a maximum transparency of 85%.
- P. Upper floors shall have a minimum transparency of 15% and a maximum transparency of 60%.
- Q. The ground floor of non-South Avenue facades shall have a minimum transparency of 5% and a maximum transparency of 60%.
- R. Signage shall be regulated in accordance with standards for "C" and "GB-2" zones included in Article 16 of the Land Use Regulations of the Westfield Municipal Code unless otherwise stated herein.
 - One directional sign may be provided at each driveway entrance. Directional signs shall not have a total area greater than 6 square feet. Directional signs shall be made of wood or other similar high-quality materials. Directional signs shall not be backlit. The top of each Directional signs shall not be greater than 5' from grade.

6.5.11. Building Design, South Subzone

- A. All standards detailed in 6.5.1 6.5.9 shall apply to the South Subzone unless otherwise stated herein.
- B. The building shall consist of two primary façade identities: the South Avenue façade and the Windsor Avenue facade. These facades shall be designed in a complementary, albeit differentiated, fashion.
- C. The South Avenue façade shall be designed in a manner consistent with the South Avenue façade of the North Subzone. This façade shall include a dark base consistent with a commercial storefront appearance. The tenant amenity and similar spaces shall be located on the ground floor of this façade.
- D. The Windsor Avenue façade shall be designed to visual create a transition to the nearby residential neighborhoods. The primary residential lobby entrance should be located along the Windsor Avenue façade.
- E. Because of its length, visibility and proximity to detached residential neighborhood to the south, building articulation along the Windsor Avenue façade is particularly challenging and paramount to the architectural success of the project. The Windsor Avenue façade

- should be articulated using projecting element or similar interventions that will create horizontal rhythm.
- F. Building projections, if utilized, should occur at least every 75 feet on center with a minimum depth of 5 feet. Projections should be sized and spaced consistently to create a regular rhythm, similar to the spacing of detached dwellings.
- G. Additional entry points along Windsor Avenue, in addition to the primary residential entrance, are encouraged. These entry points may directly access residential units, amenity spaces, or utility rooms.
- H. Efforts should be undertaken to minimize the visibility of ground-floor structured parking. Suitable interventions for minimizing the impact of ground-floor parking may include fenestration, landscaping, public art, or similar interventions.
- I. The ground floor of the South Avenue facade shall have a minimum transparency of 55% and a maximum transparency of 75%. The ground floor of the Windsor Avenue façade shall have a minimum transparency of 25%.
- J. Upper floors shall have a minimum transparency of 15% and a maximum transparency of 60%.
- K. A fourth story is permitted adjacent to South Avenue. Usage of this fourth story to create a complementary architectural feature to the North Subzone is encouraged.
- L. The garage entry point may be located along Windsor Avenue, or, if feasible, along the side of the building. The appearance of the garage entry point should be minimized.
- M. Signage shall be regulated in accordance with standards for "C" and "GB-2" zones included in Article 16 of the Land Use Regulations of the Westfield Municipal Code unless otherwise stated herein.
 - One monument sign may be permitted on the Windsor Avenue frontage of the South Subzone. The sign shall be no greater than 6' tall and 5' wide, inclusive of the base. The base shall be made of stone, brick, or a similar material. The monument sign may not be backlit.
 - One directional sign may be provided at each driveway entrance. Directional signs shall not have a total area greater than 6 square feet. Directional signs shall be made of wood or other similar high-quality materials. Directional signs shall not be backlit. The top of each Directional signs shall not be greater than 5' from grade.

6.5.12. Sustainability

A. Sustainable design strategies and materials are encouraged, but not mandated, in compliance and furtherance of Resolution 127-2020 (attached as Appendix G)

6.6. Site Design Standards

6.6.1. General Requirements

- A. Public and private realms should be integrated and connected.
- B. Site design should be more reflective of downtown uses to the west of the site than auto-oriented uses to the east of the site.
- C. All streetscape and landscape improvements shall be designed by a licensed Landscape Architect.
- D. Fencing shall comply with the regulations in Chapter 12 of Westfield's Land Use Ordinance.

6.6.2. Block 4004, Lot 17 Open Space

- A. This Plan requires that Block 4004, Lot 17 be reserved for open space. The final design of this open space shall be completed by a licensed landscape architect and included as an exhibit to any adopted redevelopment agreements. Figures 11, 12, 13, 14 and 15 depict precedent images for this space:
- B. This space should be well-designed to accommodate regular and heavy use.
- C. The landscaping shall be thoughtful with a distinct design narrative of high-quality plantings, ample seating, quality walking paths, and amenities.
- D. The space should be attractively designed for usage from dawn to dusk.
- E. Any design should take into consideration constrained areas within the plaza to make them less intrusive on the visitor experience. Outdoor electrical outlets should be installed. Trees should be placed in a way that provides shaded areas but does not completely limit natural lighting.
- F. The space should include an area that can be used by a group of people for activities like outdoor classes or impromptu events. In addition to this space, the lot should include one of the following:
 - Pickleball/Badminton
 - Half basketball courts
 - Creative play opportunities for youth







Figures 11, 12, 13, 14 and 15: Precedent images reflecting high quality open space

6.6.3. Circulation

- A. The primary access points to the building shall be located along the street.
- B. Pedestrian pathways shall be provided from the street front and all parking areas to entrances.
- C. Entry and egress shall be provided via driveways located generally at the eastern or western end of the site.

6.6.4. Streetscape

- A. Sidewalk, Planting Zone: The 3' closest to the curb line shall be comprised of a planting zone. The planting zone shall create a buffer against the roadway and include street trees or other plantings compliant with the parameters described below. Lighting may also be provided in the planting zone. Any required street signage shall also be located within this zone.
- B. Sidewalk, Pedestrian zone: A dedicated pedestrian zone along the sidewalk shall be provided and will have a minimum unobstructed width of 6' at all points.
- C. Interstitial spaces: Area between the pedestrian zone and building frontages shall be designed in a manner that integrates the sidewalk into the site's functionality. Direct pathways should be provided from sidewalks to pedestrian entrances. Interstitial spaces should include vegetation and publicly accessible seating areas to be activated by ground floor uses including, but not limited to, outdoor dining or parklets. Interstitial spaces shall be designed using hardscaping and landscaping to complement the pedestrian and planting zones.
 - Interstitial Spaces, South Subzone: Two interstitial spaces will
 exist in the South Subzone. The first, along South Avenue,
 should place greater emphasis on hardscape materials. This
 interstitial space may create a more urban character consistent

with the commercial appearance of this building facade. The along Windsor Avenue, should emphasize second. landscaping that complements the building architecture. The design of this interstitial space should be lush and reflective of the transition into the nearby residential neighborhood. Landscaping should create privacy for adjacent units, and may include elements to encourage small gatherings of residents, like picnic tables, movable chairs, or pet amenities. Figure 16 below may be used as design inspiration for the Windsor Avenue interstitial space, particularly for the manner in which it creates a grove that intersperses trees and landscaping with seating areas.



Figure 16: Precedent image reflecting a heavily landscaped interstitial space.

6.6.5. Sidewalks

- A. ADA compliant tactile pavers shall be used to define the edge of any service drive or driveways.
- B. Tactile pavers shall be installed to the same standards required by ADA at the base of public sidewalk curb ramps and should indicate to pedestrians that they are entering the driveway.

6.6.6. Street Trees

- A. Pollution resistant street shade trees are to be planted along the street, at regular intervals pending species type, 30' on center if a small street tree with a canopy spread up to 30' or spaced at 40' on center intervals if a medium or large tree with a canopy spread above 30'. Trees shall be a minimum of two-and-a-half (2.5) inches in diameter at breast height. The Planning Board shall approve species and location of trees.
- B. Brick or Belgian block pavers at the perimeter of tree pits are encouraged.
- C. Raingardens and/or bioswales in tree pits are encouraged.
- D. Tree irrigation bags must be installed and maintained for at least six months after planting.

E. Street trees should be coordinated with site lighting.

6.6.7. Street Furniture

- A. The use of street furniture in interstitial spaces is encouraged.
- B. Any street furniture provided, including but not limited to benches, trash receptacles, and tables, shall be located such than a minimum of six feet of unobstructed sidewalk remains for the safe passage of pedestrians.
- C. Trash receptacles are to be provided at regular intervals along pedestrian walkways, including public rights-of-way, at a minimum of 100 feet on center or at every corner. The use of compacting trash receptacles is encouraged.
- D. Street furniture must be designed to accommodate people of all ages and abilities and be compliant with ADA requirements and New Jersey Barrier Free Subcode.
- E. Developer shall propose a palate of furniture, fixtures, and finishes for seating that are consistent with the aesthetic of Westfield and the project.

6.6.8. Lighting

- A. Security Lighting: where used for security purposes or to illuminate walkways, roadways and parking lots, only shielded light fixtures shall be used.
- B. Commercial Lighting: where used for commercial purposes such as in merchandise display areas, work areas signs, or architectural, landscape, all light fixtures shall be equipped with automatic timing devices and comply with the following:
 - Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform, shall use a narrow cone beam of light that will not extend beyond the illuminated object.
 - Other upward directed architectural, landscape, or decorative direct light emissions shall have at least 90% of their total distribution pattern within the profile of the illuminated structure.
 - Externally illuminated signs including commercial building identification or other similar illuminated signs, shall comply with the following:
 - Top mounted light fixtures shall be shielded and are preferred.
 - When top mounted light fixtures are not feasible, illumination from other positioned light fixtures shall be restricted to the sign area. Visors or other directional control devices shall be used to keep spill light to an absolute minimum.
- C. All other outdoor lighting shall use shielded light fixtures.
- D. Floodlight type fixtures, once properly installed, shall be permanently affixed in the approved position.
- E. Foundations supporting lighting poles not installed four feet behind the curb, shall not be less than 24 inches above ground.

- F. Light Trespass (Nuisance Light): all light fixtures, except street lighting, shall be designed, installed and maintained to prevent light trespass, as specified below:
 - At grade level above the property line of subject property, illuminations from light fixtures shall not exceed 0.3 footcandles in a vertical plane on residentially zoned property.
 - Outdoor light fixtures properly installed and thereafter maintained, shall be directed so that there will not be any objectionable direct glare source visible above a height of five feet from any property or public roadway.
- G. Light fixtures near adjacent property may require special shielding devices to prevent light trespass.
- H. All lighting must be made to conform to the provisions of this section.

6.6.9. Landscaping + Buffers

- A. Landscaping shall be provided along property lines to create buffers with adjacent property uses. Buffers are intended to establish clear delineation between properties and to minimize the visual impacts between properties.
- B. Buffers may include dense vegetation, hedge rows, fences, and walls. Walls utilized as buffers may be constructed of stone, brick, or similar materials that promote an attractive aesthetic. Fences may be made of metal, wood, or other materials that promote an attractive aesthetic. Chain link fences shall not be permitted. Fences or walls shall not exceed six feet. No fences or walls shall be placed on the South Avenue frontage, excepting the exterior of the open space on Lot 17.
- C. Particular consideration shall be given to buffers with adjacent residential properties. Buffers between the Site and adjacent residential properties should be designed to minimize any negative impact on adjacent property owners, including light and sound impacts.
- D. Landscaped beds, gardens, and planting strips must be incorporated into the plazas and public spaces, particularly in locations that separate vehicles from pedestrians and where blank façades, or utilities are present.
- E. Landscape buffers shall have a minimum height of two feet at planting.
- F. The use of green infrastructure, such as bioswales or rain gardens, is highly encouraged.
- G. Shrubs, flowers, and ground cover should be designed to reduce expansive areas of mulch. Planting sizes and spacing should be provided for review and approval by the Planning Board.

6.6.10. Stormwater

A. Construction in the Redevelopment Area shall generate zero net increase in peak flow volume and flow rate off site between pre- and post- construction conditions for the 2, 10, and 100-year storms. The use of green stormwater management is highly encouraged.

6.6.11. Retaining Walls

A. Retaining walls may be required as a component of site improvements. If retaining walls are required, best efforts shall be made by the developer to minimize the impact of the walls on site design and circulation.

- B. Retaining walls shall be constructed of or clad in brick, stone, modular block, or stucco.
- C. Retaining walls should be designed in a manner that is harmonious with the balance of the site design. Efforts should be made to design retaining walls in an attractive manner through treatments like landscaping, art, or other interventions.

6.6.12. Parking, Vehicular

- A. No on-site parking shall be permitted within the front or the first 10 feet of side yard setback as measured from the front property line.
- B. All parking areas shall meet or exceed Americans Disability Act (ADA) standards.
- C. Parking spaces shall measure nine feet wide by 18 feet deep.
- D. Compact car spaces measuring eight feet wide by 16 feet deep, shall be permitted provided the total number does not exceed 20% of the total parking provided.
- E. Vehicular access to parking facilities shall be located and designed to minimize conflicts with pedestrian circulation.
- F. All parking plans must show structural support columns to accurately depict feasibility of parking spaces and drive aisles.
- G. Surface parking shall be screened from to the minimum standards: a compact hedge of evergreen shrubs, at least two feet tall at planting, spaced to ensure closure into a solid hedge at maturity and canopy trees at a maximum of 30 feet on center; an architecturally compatible opaque wall or fence; or a combination of the above.
 - If side yard parking is proposed the redeveloper shall screen any side yard parking with similar treatment so as to minimize the visibility of the same from the streets.
- H. Project must comply with Article 24 of the Town Land Use Ordinance, entitled Electric Vehicle Infrastructure Regulations.
- I. An increase of more than 10% of the required minimum parking shall constitute a deviation.

6.6.13. Parking, Bicycle

- A. Site plans shall show the proposed location of bike parking/storage facilities on the site and on the building floor plan design. A construction detail of the bike rack or facilities shall be provided by the redeveloper.
- B. Bicycle parking shall, at a minimum consist of a room within a building, a secure enclosure within a parking garage, or a similar setup providing similar security and protection from the elements. Facilities should be at least as protected and secure as any automobile parking provided.
- C. Bicycle parking facilities within an automobile parking area shall be separated by a physical barrier (i.e., bollards, reflective wands, curbs, wheel stops, poles, etc.) to protect bicycles from damage by cars.

6.6.14. Loading, Utilities, and Mechanical Equipment

A. Loading and unloading for residential and commercial uses for the North Subzone shall take place within the rear yard of the building and the NJ Transit rail right-of-way or the side yard. Loading areas on the side yard shall be adequately screened to minimize visibility from South Avenue.

- B. Loading and unloading for residential uses for the South Subzone shall take place on Windsor Place.
- C. Commercial service needs (trash storage, move-in, etc.) should be conducted indoors in a centralized location. Trash compaction is encouraged. If trash storage must be conducted outside, it should be fully enclosed in a masonry structure that complements the building architecture and be secured via visually solid gates.
- D. When technically feasible, outdoor equipment shall be placed underground.
- E. No front yard ground-mounted utility equipment is permitted. For the purposes of locating ground-mounted utility equipment, the front yard shall be South Avenue for the North Subzone and South Avenue and Windsor Avenue for the South Subzone.
- F. Any proposed ground- mounted equipment (i.e., transformers, air conditioner units, etc.) within view from a street shall be screened by evergreen shrubs.
- G. No through-wall mechanical equipment shall be permitted.
- H. Façade penetrations, such as for dryer vents or HVAC uses, shall be minimized. Any necessary façade penetrations shall be color matched with adjacent materials.
- I. Utility meters and similar infrastructure should be located within an enclosed room. Utility meters should not be visible from the street.
- J. Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening. In no case shall mechanical equipment be allowed along street frontage(s).



7.1. Applicability

The standards and procedures contained within Section 7, Administration, shall apply to all projects Redevelopment Area.

7.2. Computations

When a numerical calculation of zoning standards for a particular lot results in a fractional number, such numbers shall be rounded down to the next whole number for fractions less than .500 and rounded up for fractions .500 and above.

7.3. Other Actions by the Town in Furtherance of the Plan

Other actions may be taken by the Township to further the goals of the Plan. These actions may include, but shall not be limited to, provisions for public infrastructure necessary to service new development and vacation of public utility easements and other easements and rights-of-way as may be necessary for redevelopment. Unless otherwise agreed to by the designated redeveloper and the Town as part of a Redevelopment Agreement, the costs for such actions shall be apportioned in accordance with N.J.S.A. 40:55D-42.

7.4. Town Designation – Redevelopment Agreement

7.4.1. Usage of the word "developer" or "redeveloper"

Anytime the word "developer" is utilized in this Redevelopment Plan, the same shall mean the redeveloper or redeveloper(s) that may be designated by the Town in accordance with a developer designation or Redeveloper Agreement to be executed between the Town and applicable entities.

7.4.2. Approval Process

Project approval under this Redevelopment Plan shall involve two steps. First, a Redevelopment Agreement will be entered into between the Town and the Redeveloper. Second, the Redeveloper will make an application to the Planning Board. The Town Council will control the timeline for implementation of this Redevelopment Plan and is willing to utilize all powers authorized under the Local Redevelopment and Housing Law to advance the project.

The approval sequence is further detailed below.

A. Redevelopment Agreement

Prior to application to the Planning Board for Site Plan and Subdivision review, the Town Council shall pass a resolution in a public session authorizing a Redevelopment Agreement between the Town and redeveloper. The Council may seek the advice of

the Westfield Redevelopment Committee in evaluating potential projects, but retains the sole authority to negotiate and authorize the execution of Redevelopment Agreements as per the LRHL. Only redevelopers with an executed Redevelopment Agreement with the Town shall have standing to submit an application to the Planning Board. The following items may be included as an attachment to any Redevelopment Agreement as required by Town Council:

- Architectural rendering
- Building elevations
- Conceptual site plans
- Demonstration of redeveloper's financial qualifications, including access to debt and equity to support the project
- Demonstration of redeveloper qualifications including experience with similar projects
- Floor plans showing ground floor space allocation and residential units (as applicable)
- Landscape plan detailing site and streetscape improvements, including the design of interstitial spaces
- List of project consultants
- Lot 17 open space design
- North Site courtyard design
- Ownership structure
- Parking plan
- Project pro forma evidencing compliance with affordable housing requirements
- Redevelopment timeline
- Sustainable design strategies and materials
- Specific parameters for streetscape improvements
- Sustainable design strategies and materials
- If a Child Care Center is proposed, the following items should be submitted:
 - Traffic impact study detailing impacts of Child Care Center (in conjunction with other proposed use). If detrimental impacts are identified, traffic impact study shall identify mitigative measures to alleviate detrimental impacts. Implementation of mitigative measures may be required as a component of a Redevelopment Agreement.
 - Pick-up/drop-off plan that identifies the locations for pick-up/drop-off, the anticipated hours that these areas will be utilized for this purpose, and an accompanying analysis of how this plan will accommodate the needs of the use without creating detrimental impacts traffic, health, and safety.
 - Strategy for ensuring that the central courtyard and adjacent circle are not utilized as primary pick-up/drop-off areas.

B. Site Plan and Subdivision Review

Prior to commencement of construction, site plans for the construction of improvements within the Redevelopment Area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) and consistent with the applicable attachments to the Redevelopment Agreement, shall be submitted by the applicants for review and approval by the Planning Board of the Town of Westfield. If there is a material change to the attachments to the Redevelopment Agreement, such material changes must be approved by the Council as a prerequisite to site plan approval. The redeveloper may submit separate applications to the Planning Board for North and South Sites, in its discretion.

Excepting de minimis field changes to an approved site plan approved by the Town Construction Code Official, no construction or alteration to existing or proposed buildings shall take place until a site plan reflecting such additional or revised construction has been submitted to, and approved by, the Planning Board. This pertains to revisions or additions prior to, during, and after completion of the improvements.

In addition to the above-mentioned items, the following shall be submitted as part of a site plan application unless a waiver is obtained:

- Copy of applications or conceptual designs that have been or will be submitted to NJDOT, Union County, and any other applicable local, state, or federal agencies, as required.
- Will-serve letters from applicable utility service providers.

7.5. Temporary Uses

The Redeveloper may pursue a temporary use for a Mobile Food Delivery Hub in the South Subzone, provided the following requirements are met:

- The Mobile Food Delivery Hub may consist of the following activities:
 - Vehicle repair and general maintenance relating to the food delivery operation
 - Vehicle engineering relating to the food delivery operation
 - Employee training relating to the food delivery operation
- The activities described above shall take place within the Lots and Blocks that comprise the South Subzone. The public right-of-way shall not be utilized to accommodate the temporary use.
- The activities described above shall take place within existing buildings on site.
- No long-term outdoor storage of vehicles, supplies, or equipment visible from the public right-of-way shall be permitted. All vehicles on site shall be functional and registered with the New Jersey Motor Vehicle Commission. Long-term shall be defined as three (3) business days.

- Storage of supplies or equipment that are visible from the public right-ofway is prohibited. Limited overnight storage of vehicles (no more than five vehicles at a time) may be permitted subject to the terms of a Redevelopment Agreement to be negotiated between the Town and Redeveloper.
- Implementation of the activities described above shall not require construction or other permanent improvements that would necessitate Site Plan Approval via the Planning Board or Zoning Board.
- No temporary use shall be permitted without a Redevelopment Agreement between the Redeveloper and Town specifically addressing the temporary use. The Redevelopment Agreement, or its attachments, shall:
 - Specify the permitted duration of the temporary use. Such use shall not extend more than three years.
 - Include clear default and remedy provisions to be enacted if the temporary use persists beyond its permitted duration.
 - Include a narrative detailing the temporary use. This narrative shall include information about the nature of the operation, hours of operation, specific activities to be undertaken on the site, an overview of the site operator, the frequency with which trucks will access the site and any associated traffic impacts, and additional information as desired by the Town Council.
 - Include a concept plan showing the temporary use. This concept plan shall include detailed information about the intended use of the site, including circulation and usage. The concept plan should reflect a controlled vehicular access pattern, particularly from South Avenue. This concept plan also detail buffering, screening, or other measures that will be employed to mitigate impacts to noise, aesthetics, or other factors as required by the Council.

7.6. Local Permits + Approvals by Other Agencies

Redeveloper shall be required to obtain a Zoning Permit upon demonstration of compliance with all conditions contained in any resolution of approval from the Planning Board. Redeveloper shall be required to provide, prior to issuance of a zoning permit, copies of all approvals necessary to implement public improvements. Only upon issuance of a zoning permit shall the Town Construction Code Official issue Building Permits or similar approvals to allow construction to commence.

The redeveloper shall be required to provide the Town with copies of all permit applications made to federal, state and county agencies upon filing such applications, as may be required by the Redevelopment Agreement to be executed between the redeveloper(s) and the Town.

7.7. Deviations

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason for exceptional

narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions, preexisting structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective, or regulation adopted pursuant to this Redevelopment Plan would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Redevelopment Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in NJSA 40:55D-12. a. and b.

Notwithstanding the above, any changes to the uses permitted in this Redevelopment Area, or any other deviation requiring a "d" variance shall be permitted only by means of an amendment of the Redevelopment Plan by the Town of Westfield Council, and only upon a finding that such deviation be would be consistent with and the furtherance of the goals and objectives of this Redevelopment Plan.

7.8. Severability

The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.

7.9. Adverse Influences

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features to be detrimental to the public health, safety or general welfare.

7.10. Non-Discrimination Provisions

No covenant, lease, conveyance or other instrument shall be effected or executed by the Town of Westfield or by a developer or any of his successors or assignees, whereby land within the Redevelopment Area is restricted by the Town of Westfield, or the developer, upon the basis of race, creed, color, national origin, ancestry, affectional preference, marital status or gender in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and

shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of race, creed, color, national origin, ancestry, affectional preference, marital status, or gender.

7.11. Redevelopment Actions

The Town of Westfield shall have such powers and duties as set forth in the LRHL and as may be conferred by this Redevelopment Plan, including, but not limited to, the authority to relocate residents and businesses, to designate redevelopers, establish clear terms and conditions for redevelopment through the negotiation, execution, and administration of redevelopment agreements, and to do such other things as permitted by law.

7.12. Relocation Requirements

The redeveloper will comply with any applicable New Jersey law or regulation applicable to relocation of tenants within the redevelopment area. No housing units, temporary or permanent, shall need relocation under this Redevelopment Plan.

7.13. Escrows

The Redevelopment Agreement shall provide that the redeveloper shall be responsible to post sufficient escrows to cover the reasonable costs of the Town and the professional consultants retained by the Town to negotiate the Redevelopment Agreement, undertake any studies in connection with the project, review the proposed redevelopment project and advise the Town on any and all aspects of the redevelopment process and as otherwise set forth in the Redevelopment Agreement.

7.14. Infrastructure

In accordance with N.J.S.A. 40:55D-42 or as may otherwise be required by the Town and agreed to by the redeveloper in the Redevelopment Agreement, the redeveloper shall, at redeveloper's cost and expense, provide all necessary engineering studies for, and construct or install all on- and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection of traffic control measures, water service, sanitary sewer service, stormwater management, and flood mitigation measures to the project, in addition to all required tie-in or connection fees. In accordance with N.J.S.A. 40:55D-42 or as may otherwise be required by the Town and agreed to by the redeveloper in the Redevelopment Agreement, the redeveloper shall, at redeveloper's cost and expense, also be responsible for providing all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on and off-site traffic controls and road improvements for the project or required due to the impacts of the project. The redeveloper shall be required to receive all necessary approvals for infrastructure, including at the County and State level as applicable.

7.15. Procedures for Amending the Plan

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law and a request for same may be submitted to the Westfield Town Council. The Town of Westfield reserves the right to amend this plan. The redeveloper shall remit a \$10,000 escrow for professional fees if it requests a Plan amendment, while the Town shall bear its own professional fees if the Plan amendment request originates from the Town or an agency of the Town. The Town, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey and other additional professionals.

7.16. Redevelopment Plan Duration

The provisions of this Redevelopment Plan specifying the redevelopment of the Redevelopment Area and the requirements and restriction with respect thereto shall be in effect for a period of fifty (50) years from the date of adoption of this Redevelopment Plan by the Westfield Town Council.

7.17. Certificates of Completion

Upon completion of a project, the developer shall submit for a Certificate of Completion. Concurrently, a zoning ordinance amendment shall be submitted to the Westfield Town Council requesting that the zoning for the subject parcel(s) be incorporated into the Town Code to ensure that the standards remain applicable.

7.18. Land Use Map Amendments

The adoption of this Redevelopment Plan or any amendments thereto shall automatically allow for any necessary modifications to the official Westfield Land Use Map to ensure consistency between the two documents.

7.19. Additional Superseding Provisions

The standards contained within this Redevelopment Plan shall supersede any conflicting standards contained within the Land Development Ordinance (LDO) of the Town of Westfield or other applicable Town of Westfield codes or ordinances.

7.19.1. Terms and Definitions:

Any terms or definitions not addressed within this Redevelopment Plan shall rely on the applicable terms and conditions set forth in the Zoning Ordinance of the Town of Westfield.

7.19.2. Other Applicable Design and Performance Standards

Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the Land Development Code of the Town of Westfield.

7.20. Other Provisions

- 7.20.1. This Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved public utilities, recreation and community facilities and other public improvements. This Redevelopment Plan has laid out various programs and strategies requiring implementation to carry out the objectives set forth herein.
- 7.20.2. This Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.
- 7.20.3. The diagrams, images, and other graphic representations provided in this Redevelopment Plan are intended to provide a framework for interpretation of the written standards and regulations contained herein. Nothing in this Redevelopment Plan shall preclude the redevelopment of a block depicted in such diagrams, images, or other graphic representations, provided that such development is fully in conformance with the written standards and regulations contained herein.
- 7.20.4. Final adoption of this Plan by the Town Council of the Town of Westfield shall be considered an amendment of the Town Zoning Map.
- 7.20.5. The NJ Department of Transportation (DOT) shall have sole jurisdiction over street design and related specifications with respect to all State roadways.

7.21. Other Redevelopment Actions

In carrying out this Redevelopment Plan, the Town of Westfield and any designated redeveloper(s) may be required to undertake a variety of redevelopment actions. These may include but will not be limited to anything permitted under the LRHL.

7.22. Public Improvement Approvals

It is recognized that the public improvement requirements within this plan may require approval of third-party organizations. Construction of improvements shall not commence until all required approvals are received from third party agencies.



New Jersey's Local Redevelopment and Housing Law (the "LRHL") empowers local governments to initiate a process by which designated properties that meet certain statutory criteria can be transformed to advance the public interest. Once an area is designated "in need of redevelopment" in accordance with statutory criteria, municipalities may adopt Redevelopment Plans and employ several planning and financial tools to make redevelopment projects more feasible to remove deleterious conditions. A redevelopment designation may also qualify projects in the Redevelopment Area for financial subsidies or other incentive programs offered by the State of New Jersey.

8.1. Process

The LRHL requires local governments to follow a process involving a series of steps before they may exercise powers under the LRHL. The process is designed to ensure that the public is given adequate notice and opportunity to participate in the public process. Further, the redevelopment process requires the Governing Body and Planning Board interact to ensure that all redevelopment actions consider the municipal Master Plan. The steps required are generally as follows:

- 8.1.1. The Governing Body must adopt a resolution directing the Planning Board to perform a preliminary investigation to determine whether a specified area is in need of redevelopment according to criteria set forth in the LRHL (N.J.S.A. 40A:12A-5).
- 8.1.2. The resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the Redevelopment Area determination shall authorize the municipality to use all those powers for use in a Redevelopment Area other than the use of eminent domain (non-condemnation redevelopment area) or whether the Redevelopment Area determination shall authorize the municipality to use all those powers for use in a Redevelopment Area, including the power of eminent domain (condemnation Redevelopment Area).
- 8.1.3. The Planning Board must prepare and make available a map delineating the boundaries of the proposed Redevelopment Area, specifying the parcels to be included and investigated. A statement setting forth the basis of the investigation or the preliminary statement should accompany this map.
- 8.1.4. The Planning Board must conduct the investigation and produce a report presenting the findings. The Board must also hold a duly noticed hearing to present the results of the investigation and to allow interested parties to give testimony. The Planning Board then

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- may adopt a resolution recommending a course of action to the Governing Body.
- 8.1.5. The Governing Body may accept, reject, or modify this recommendation by adopting a resolution designating lands recommended by the Planning Board as an "Area in Need of Redevelopment." The Governing Body must make the final determination as to the Non-Condemnation Redevelopment Area boundaries.
- 8.1.6. If the Governing Body resolution assigning the investigation to the Planning Board states that the redevelopment determination shall establish a Condemnation Redevelopment Area, then the notice of the final determination shall indicate that:
- 8.1.7. the determination operates as a finding of public purpose and authorizes the municipality to exercise the power of eminent domain to acquire property in the Redevelopment Area, and
- 8.1.8. legal action to challenge the final determination must be commenced within forty-five (45) days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.
- 8.1.9. A Redevelopment Plan may be prepared establishing the goals, objectives, and specific actions to be taken with regard to the "Area in Need of Redevelopment."
- 8.1.10. The Governing Body may then act on the Plan by passing an ordinance adopting the Plan as an amendment to the municipal Zoning Ordinance. Only after completion of this process is a municipality able to exercise the powers under the LRHL.

8.2. Redevelopment Plan Content

The LRHL identifies required components to be included in a Redevelopment Plan. In accordance with N.J.S.A 40A:12A-7a, the Redevelopment Plan must include an outline for the planning, development, redevelopment, or rehabilitation of a project area which is sufficient to indicate:

- 8.2.1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities, and other public improvements.
- 8.2.2. Proposed land uses and building requirements in the project area.
- 8.2.3. Adequate provisions for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe, and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
- 8.2.4. An identification of any property within the Redevelopment Area which is proposed to be acquired in accordance with the Redevelopment Plan.

8.2.5. Any significant relationship of the Redevelopment Plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.).



9. APPENDIX B: RELATION TO OTHER PLANS

9.1. Local Master Plan

Westfield adopted its Master Plan in 2002 and completed its first Reexamination in 2009. The Master Plan provided goals and objectives for the Town, which were updated in the 2009 Reexamination. More recently, the Town adopted a new Reexamination in 2019 and undertook an extensive public participation process in support of the Reexamination. This public engagement generated a new Vision and set of Guiding Principles for the municipality. The findings and recommendations of the Reexamination are being used to inform a new Master Plan, which is being developed at the time this Plan is being drafted. As a step in that Master Plan process, in April 2020 the Planning Board adopted the new Master Plan Vision, Guiding Principles, and Goals and Objectives that replace those from the 2002 Master Plan and 2009 Reexamination.

The Town vision describes Westfield as an inclusive community with a small-town feel that encourages quality and sustainable development, both a diverse housing stock and single-family neighborhoods, alternative forms of transportation, and a walkable, mixed-use downtown. This Plan is consistent with the Town Vision.

The Town prescribes twelve principles. Relevant principles include:

- 2. We will retain the best qualities of a small town and respects its heritage, while embracing the opportunities that new technologies, programs, and concepts in urban design provide.
- 3. We value open space and parks as an integral part of our community's hometown feel and will take advantage of opportunities for its enhancement and expansion.
- 5. We will continue to support vibrant concentrations of retail, office, service, residential, and recreational activity in Downtown.
- 8. We realize that architectural and land use design is fundamental to our identity. As Westfield progresses into the future, special attention will be given to promoting high quality residential and commercial development that reflects aesthetic excellence.
- 9. We will commit to sustainable practices that promote social equity, environmental health, and economic prosperity.
- 10. We will preserve our single-family neighborhoods while providing housing choices that will allow people to age in place.
- 11. The long-term economic well-being of the Town is fundamental to its future. Therefore, we will encourage a variety of employment opportunities, and promote unique, local businesses.

12. We will promote a Multi-Modal Transportation Network (roadways, bikeways, walkways, and public transportation) that are safe, accessible, and which emphasize local and regional connections while considering neighborhood impacts.

The Plan provides for a mixed-use development with open space that is within walking distance of Downtown and the train station. Developed in a former industrial zone, the project will not impact the Town's single-family neighborhoods, yet still diversifies the Town's housing stock, including affordable housing. The Plan also mandates high-quality architecture and sustainable design. Therefore, this Plan is consistent with Town's principles.

The Reexamination also included 13 goals and objectives. These goals and objectives built upon the goals and objectives from the prior Master Plan. This Plan is consistent with and enacts these goals, which include:

- 1. To provide adequate light, air, and open space by establishing, administering and enforcing bulk, density, and design standards that are appropriate for the various zones and uses in the community.
- 2. To preserve and protect the suburban character of existing residential neighborhoods through:
 - b. Bulk, density, and design standards that are appropriate for the various dwelling types and not overly intensive in relation to the lot(s) on which a dwelling is situated in their respective zones.
- 3. To minimize the environmental impact resulting from development through:
 - a. Appropriate regulations to encourage green building design in all new construction.
 - b. Appropriate regulations that discourage disturbance of steep slopes and vegetation.
 - c. Appropriate regulations that discourage unnecessary development in wetlands and flood hazard areas.
 - d. Implementation of best practices in stormwater management.
 - e. Appropriate regulations to ensure implementation of current soil conservation and erosion control measures.
 - f. Appropriate regulations to protect and/or replace trees/woodlands impacted by development projects; and
 - g. Proactive and sustainable measures to mitigate the acceleration and impact of climate change.
- 4. To provide adequate municipal open space for a variety of active and passive recreational uses.
- 5. To maintain and enhance the viability of the various business districts by:
 - a. Encouraging an appropriate mix of land uses that will complement one another and meet the retail and service needs of the Town.

- b. Promoting a desirable visual environment and preserving the small-town atmosphere in the business districts.
- c. Providing or requiring the provision of sufficient numbers of parking and loading spaces in the appropriate locations to serve the needs of the general public.
- d. Promoting a desirable pedestrian environment in the downtown business district.
- e. Discouraging automobile-only oriented development in the central business district, including "strip malls"; and
- f. Offering placemaking opportunities, including public art, open space, pedestrian nodes, and community gathering spaces.
- 6. Provide a safe and efficient transportation system that also encourages mobility by all modes.
 - a. Minimizing traffic congestion and providing for safe and convenient access to properties.
 - b. Developing and maintaining walking and biking routes that enhance connectivity to Town facilities and other key locations in Town; and
 - c. Improving pedestrian safety at signalized intersections and other areas of safety concern.
- 7. To eliminate areas of conflict or incompatibility in land use or zoning between Westfield and adjacent municipalities by:
 - a. Rezoning, where appropriate, those areas that conflict with the use or zoning of adjacent municipalities; and
 - b. Encouraging the buffer/separation of incompatible uses and/or zones.
- 8. To provide a wide range of housing types and densities in a manner that maintains and is compatible with the predominant existing single family detached dwelling development pattern through:
 - a. Various zone districts that permit single-family detached, two-family and single-family attached, and multi-family dwellings where appropriate.
 - Density standards that reflect existing neighborhood conditions, where appropriate, as well as the needs of various housing types; and
 - c. Rezoning in appropriate locations, for mixed use or residential uses, establishing densities within walking distance of the CBD-Central Business District and NJ Transit railroad stations.
- 9. To address the need of affordable housing for the local and regional population of low- and moderate-income persons by establishing various zone districts that encourage the provision of affordable housing, where appropriate.

- 12. To promote the conservation of energy and the recycling of recyclable materials through:
 - a. Appropriate regulations that require recycling of recyclable materials.
 - b. Encouraging green infrastructure in site design, energy efficient design, and sustainable building practices; and
 - c. Encouraging reduced carbon footprints through alternative fuel vehicle infrastructure and promoting alternative modes of transportation to minimize automobile travel.
- 13. To address underutilized or vacant sites, encourage redevelopment or rehabilitation where properties meet those standards set forth in the Local Redevelopment and Housing Law.

9.2. 2018 Housing Element and Fair Share Plan

The Town adopted a Housing Element and Fair Share Plan in 2018 ("Housing Element"). The Housing Element includes recommendations for zoning of the Redevelopment Area. This Redevelopment Plan is generally consistent with the Housing Element.

9.3. NJ State Strategic Plan

The New Jersey State Planning Commission released its final draft of the State Strategic Plan on November 14, 2011. Compared to the State Development & Redevelopment Plan, the State Strategic Plan emphasizes a more "proactive, aggressive, and strategic approach to planning for the State's future. An approach that aligns clear goals with sound decision making and coordination among government entities will better position New Jersey for growth opportunities and allow New Jersey to once again complete for and capitalize on growth opportunities."

Central to the State Strategic Plan is its contemplation of development in Smart Growth locations and regional centers.

This Plan furthers several objectives, goals, and findings of the State Strategic Plan as it effectuates the following "Garden State Values:"

- Concentrate Development and Mix Uses;
- Prioritize Redevelopment, Infill, and Existing Infrastructure;
- Increase Job and Business Opportunities in Priority Growth Investment Areas;
- Create High-Quality, Livable Places;
- Provide Transportation Choice + Efficient Mobility of Goods;
- Diversify Housing Opportunities; and Make Decisions with Regional Framework.

9.4. Surrounding Communities' Master Plans

The property is located on the eastern municipal border with the Borough of Garwood. The Plan has actively considered its potential effects on Garwood and the other municipalities surrounding Westfield and is consistent with the master plans of the surrounding municipalities. Relevant goals from each municipality's Master Plan are listed below.

9.4.1. Township of Clark

Clark updated its Master Plan in 2003 and last reexamined it in 2010. This plan is consistent with the goals and objectives of the Master Plan and Reexamination, including:

- To promote a balance of land uses, including residential, commercial, industrial, public, recreation, and conservation uses.
- To guide the appropriate development of a mix of housing, including senior housing and low- and moderate-income housing consistent with the established style and character of Clark.
- To promote the conservation of ecological systems, environmental resources, and natural amenities which characterize the Township.

9.4.2. Township of Cranford

Cranford's Master Plan was adopted in 2009, followed by its recent 2019 Reexamination Report. The Township lays out a wide range of goals and objectives for various components of its planning efforts. This Plan is consistent with those goals and objectives, including:

- Economic and Non-Residential Goals
 - Recognize the economic value of multi-story buildings within the Downtown. Encourage the fullest use of existing upper floors and the creation of additional upperstory floor space.
 - Promote the Township's accessibility to transportation facilities such as the Garden State Parkway and New Jersey Transit rail and bus lines as attractive to both Township businesses and residents.
 - Continue to evaluate development opportunities that utilize Cranford's rail and bus lines in order to encourage an increase in mass transit usage.
 - Encourage the development of a diversified economic base that generates employment growth, increases property values, and promotes the improvement of underutilized properties.
 - Create attractive gateways at the principal entrances to the Township through upgraded land uses, streetscape improvements, and signage.
 - Incorporate design standards that visually guide development, while remaining responsive to new and emerging demands.

• Residential Goals

 Provide a wide range of housing to meet the needs of residents in diverse income groups.

- Concentrate higher density residential uses in the Downtown to take advantage of transportation infrastructure and require adequate parking as a prerequisite to new development.
- Require all in-fill development to be done in a manner that is consistent and compatible with the surrounding neighborhood and environment.

Conservation Goals

- Promote and encourage the use of sustainable building and development practices.
- Require all development to be subject to rigorous environmental evaluation to minimize any potential adverse environmental impacts.
- Identify opportunities to preserve open space and other underutilized spaces that can improve stormwater and floodplain management, increase recreational opportunities, and enhances the aesthetic appearance of the community.
- Maintain and upgrade stormwater and wastewater infrastructure.
- Incorporate energy-efficient and renewable energy technologies into new development.
- Continue to implement the shade-tree-planting program by planting additional street trees.

Circulation Goals

- Ensure that the Township's circulation system is safe, accessible, and practical to all ages and abilities.
- Coordinate land uses and transportation investments to encourage alternatives to driving such as mass transit, bicycle, and pedestrian pathways.

• Recreation and Open Space

- Increase and improve park, open space, recreational and cultural facilities for all Township residents.
- Ensure that quality open space is provided and maintained as development occurs.
- Develop an increasingly diversified array of quality recreational and cultural facilities, services and offerings.

Community Identity

- Create attractive "gateways" into the Township and improve the appearance of intermediate and major thoroughfares.
- Develop and implement streetscape projects for major public thoroughfares.
- Encourage quality architectural and landscape design through the use of design standards that are consistent with the architectural history of the surrounding neighborhood.

9.4.3. Borough of Garwood

Garwood adopted its Master Plan & Re-Examination Report in 2009. Garwood's goals and objectives are consistent with this Plan.

In fact, the Borough is currently redeveloping a site further east on South Avenue East into a transit-oriented development near their train station. Garwood is pursuing an approach similar to this Plan for North and South Avenues, recognizing them as the Borough's main business areas and encouraging mixed-use development along the corridor. Relevant goals include:

- To encourage municipal action to guide the appropriate use or development of all lands in this Borough, in a manner that will promote the public health, safety, morals, and general welfare.
- To provide adequate light, air, and open space.
- To ensure that the development of the Borough does not conflict with the development and general welfare of neighboring municipalities, the County, and the State as a whole.
- To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all the citizens of Garwood;
 - Preserve and promote a balanced variety of residential, commercial, industrial, public, and recreation land uses.
 - Guide the future development and/or redevelopment of land within the borough so as to incorporate new construction without undue disruption to the established character of the Borough.
- Continue to recognize that North and South Avenues are the primary areas for business serving the community.
 - Encourage the renovation and rehabilitation of existing buildings and storefronts
 - Encourage lot consolidation to enhance opportunities for infill and redevelopment
 - Encourage mixed-use developments
 - Discourage parking areas in the front yards
- To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
 - Develop a balanced circulation system incorporating the needs of pedestrians, bicyclists, autos, trucks, trains and buses.
 - Promote and increase ridership of public transportation, including train and bus service.
- To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- To encourage planned unit developments which incorporate the best features of design and relate the type, design, and layout of residential, commercial, and creational development to the particular site;

- To encourage development of affordable housing within the Borough of Garwood.
 - Meet the municipal obligation to provide its fair share of affordable housing meeting the requirements set forth by the New Jersey Council on Affordable Housing.
 - To provide affordable housing opportunities for Garwood residents

9.4.4. Borough of Mountainside

Mountainside last updated its Master Plan in 2014 when it adopted a new Engineering Master Plan and Housing Element Fair Share Plan. Its last Master Plan Reexamination Report is from 2009, reviewing its 1989 Master Plan. These planning documents demonstrate the Borough's goals to identify potential sites to develop affordable housing to meet its obligations, develop new uses to replace its traditional industrial uses, enhancing its open space opportunities, and ensuring that non-single-family development is sensitive to the predominant single-family character of the Borough. These goals are consistent with this Plan.

9.4.5. Township of Scotch Plains

Scotch Plains adopted its Master Plan in 2001 and last reexamined it in 2016. In its Reexamination Report, the Township restates its commitment to providing expansive and well-maintained open space for its residents, satisfying its affordable housing obligation, promoting "multi-use" neighborhoods and infill development, and ensuring compatibility between neighboring uses, particularly between its residential and industrial zones. These goals are consistent with this Plan

9.5. Union County Master Plan

This Redevelopment Plan is largely consistent with the 2016 Union County Transportation Master Plan, which seeks to integrate transportation planning with land use and economic development. Pursuant to N.J.S.A. 40A: 12A-7(a)(5), this Redevelopment Plan relates directly to the goals and objectives of the Union County Transportation Master Plan, including:

- Goal #2: To ensure that quality public transportation is available in Union County.
- Goal #3: To increase safety and mobility while minimizing congestion on the roadway system.
- Goal #6: To encourage and support programs and policies that create transportation options and enhance quality of life.
 - Ensure safe and convenient bicycle and pedestrian facilities, promote flexible working hours, and other transportation demand management strategies.
 - Promote compact, mixed-use development patterns which promote walkability and support transit.
- Goal #7: To promote a coordinated, comprehensive, and cooperative transportation planning process.

9.6. NJ State Development and Redevelopment Plan

The State Development and Redevelopment Plan (SDRP) was adopted in 2001 and organized the state into several planning areas. The Redevelopment Plan is located within the Metropolitan Planning Area, (PA-1) of the SDRP. The following intent was documented for PA-1:

- Provide for much of State's future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs:
- Redesign areas of sprawl; and
- Protect the character of existing stable communities.

The SDRP also puts forth statewide goals, including:

- Revitalize the state's cities and towns;
- Promote beneficial economic growth, development and renewal for all residents of New Jersey;
- Provide adequate housing at a reasonable cost; and
- Preserve and enhance areas with historic, cultural, scenic, open space, and recreational value.

This Redevelopment Plan effectuates the above goals and will convert underutilized and vacant auto-oriented uses into a vibrant, compact, mixeduse development that respects Westfield's historic character. The Redevelopment Plan will also provide diverse housing options to match the needs and preferences of residents.



10. APPENDIX C: DEFINITIONS

ACTIVE GROUND FLOOR USE

Any use within the ground floor of a building, with a minimum depth of 30 feet as measured from the build-to line, and that generates a high amount of pedestrian traffic. Uses shall include Artisan Workshops, Personal Services, Restaurant, Retail Sales, Retail Services, and similar uses. Residential uses shall not be considered to be active uses.

ARTISAN MANUFACTURING

The shared or individual use of hand-tools, mechanical tools, and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales, and distribution of such products. Typical artisan manufacturing uses include but are not limited to: electronic goods; food and bakery products; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing. Artisan manufacturing uses shall have a component that is publicly accessible and retail sales of the product manufactured on site.

BUILDING AREA

The largest total horizontal area of any building taken where any part of the building intersects the ground level, including covered porches and terraces, or the horizontal area of the largest floor or story of any elevated or cantilevered building, including the area of all accessory buildings.

BUILDING, BASE

The average grade of the four corners of the building measured prior to construction. In cases where grading has occurred on the site within the past five years, the elevations of the four corners shall be measured to the grade prior to the regrading.

BUILDING, MIDDLE

The area of the building between the base and top of the building.

BUILDING. TOP

The highest point of a flat roof, the deck line of mansard roofs, or the mean height between eaves and ridge for gable, hip, and gambrel roofs.

CHILD CARE CENTER

Any facility which is maintained for the care, development or supervision of six or more children who attend the facility for less than 24 hours a day, and which is licensed as a childcare center by the Department of Human Services. This term shall not include any of those facilities or uses which are not included within the definition of "child care center" contained in the Child Care Center Licensing Act.

COVERAGE, BUILDING

The percentage of a lot covered by building area.

COVERAGE. IMPERVIOUS

The percentage of a lot covered by or devoted to all man-made improvements, including but not limited to all buildings and structures, pavement, parking area (whether paved or unpaved), sidewalks and driveways, but excluding natural or landscaped areas and any deductions or exemptions specified within this ordinance.

EDUCATIONAL SERVICES

Establishments engaged in offering instruction in automobile driving, academic tutoring and examination preparation, but excluding schools, colleges and universities.

DRIVE THRU

A commercial facility or structure that is designed to allow patrons to order and receive goods and services via a service window or mechanical device while remaining in their vehicles.

GROSS FLOOR AREA (GFA)

The floor area of all floors of a building or structure having floors and measured from the exterior surface of the exterior walls of the building or structure.

GROUND LEVEL

The level of the building on the same grade as the adjacent road.

MIXED-USE

A building containing a mixture of permitted principal, accessory, and/or conditional uses. All mixed-use buildings shall include multi-family residential uses. A mixed-use building may include multiple permitted principal uses.

MULTI-FAMILY RESIDENTIAL

A use involving three or more separate dwelling units in a building as the primary use on one lot; a building devoted to such use.

OPEN SPACE

A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

OUTDOOR DINING

Service and consumption of food and beverage in outdoor areas.

PARKING

The storing of vehicles on a temporary basis. When the parking serves uses on the same property, it shall be considered an accessory use. When the parking serves off-site uses, it shall be treated as a principal use.

PARKING, PUBLIC

Shall mean the provision of parking spaces for use by the public, for a fee, under the management of an organization either public or private.

PARKING STRUCTURE

A public or private structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade or either partially or totally above grade with those levels being either open or enclosed.

PERSONAL SERVICES

Services involving the care of a person or his or her personal goods or apparel. Typical personal services include but are not limited to: cosmetology shops; barber shops; beauty salons; nail salons; spas, including day spas and medical spas; physical therapy.

PUBLIC AREA

Public parks, playgrounds, trails, paths, and other recreational areas; other public open spaces; publicly owned scenic and historic sites; sites for schools and other public buildings and structures.

RESTAURANT

A use or premises at which food is served to the general public or to private groups for a consideration and having more than 15 seats that can be used by patrons.

RETAIL SALES

The sale of goods or merchandise to the general public for personal or household consumption and the rendering services incidental to the sale of such goods. Retail sales shall also include Retail Showrooms, a use primarily for the display of retail goods with limited or no cash-and-carry operations.

RETAIL SERVICES

The rendering of services or entertainment, as opposed to products, to the general public. Retail services include theaters, amusement and recreation services and facilities, studios for the instruction of the arts, including dance studios, music, gymnastics, or martial arts, museums, and galleries.

[Amended 6-6-2017 by Ord. No. 2082]

ROOF DECK

A Roof Deck shall mean an open common space available to tenants and their guests located on the roof of the building.

SIDEWALK CAFÉ

A use accessory to a restaurant and characterized by the following:

- The consumption of food by the public at tables located within that more or less rectangular portion of the sidewalk which lies within the area bounded by the public street, the principal façade, and the imaginary perpendicular lines running from the outer edge of such principal façade to the public street, and/or located upon private property;
- 2. Containing readily removable tables, chairs, temporary railings and/or planters; and

3. Unenclosed by fixed walls, ceilings, or fences, except for retractable awnings, removable barriers, umbrellas, or other nonpermanent enclosures.

TERRACE

An unenclosed porch that is open to the sky.



TOWN OF WESTFIELD WESTFIELD NEW JERSEY

RESOLUTION NO. 64-2020

CODE REVIEW & TOWN PROPERTY COMMITTEE FEBRUARY 25, 2020

RESOLUTION DESIGNATING AN AREA OF THE TOWN OF WESTFIELD, AS MORE PARTICULARLY DESCRIBED HEREIN, AS "AN AREA IN NEED OF REDEVELOPMENT", PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

WHEREAS, on September 3, 2019, the Mayor and Council adopted Resolution Number 220-2019, requesting and authorizing the Planning Board to undertake a preliminary investigation to determine whether the following properties:

Block 3307, Lots 1 & 2; Block 4004, Lot 17; and Block 4005, Lots 3 & 4;

as identified on the Official Tax Map of the Town of Westfield (the "Study Area") qualify as a "non-condemnation" area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Redevelopment Law"); and

WHEREAS, the Planning Board retained the services of the Town Planner, Donald B. Sammet, PP/AICP ("Mr. Sammet"), to assist in conducting the necessary investigations and analysis to determine whether the Study Area does or does not qualify as an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

WHEREAS, Mr. Sammet conducted such investigations and prepared a report of his investigations entitled "Area in Need of Redevelopment Preliminary Investigation Report: Block 3307, Lots 1 and 2; Block 4004, Lot 17; Block 4005, Lots 3 and 4" dated December 9, 2019 (the "Redevelopment Investigation Report"); and

WHEREAS, the Redevelopment Investigation Report concludes that the Study Area and the properties therein exhibit conditions which conform with various redevelopment criterion, including criteria a, b, d and h under Section 5 of the Redevelopment Law, N.J.S.A. 40A:12A-5, as more specifically set forth in the Redevelopment Investigation Report; and

WHEREAS, on January 6, 2020, the Planning Board conducted a duly-noticed public hearing, pursuant to *N.J.S.A.* 40A:12A-6, at which time it heard a presentation of the Redevelopment Investigation Report by Mr. Sammet, the primary author of the Redevelopment Investigation Report, as well as comments from members of the public in attendance; and

WHEREAS, Mr. Sammet responded to questions from the Planning Board members and members of the public; and

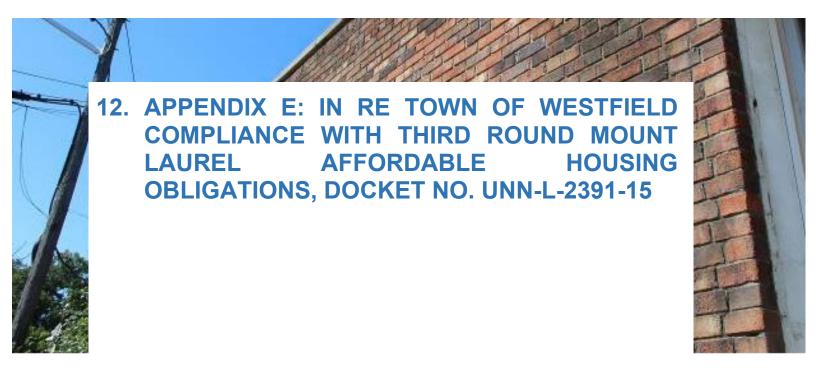
WHEREAS, based upon the Redevelopment Investigation Report, Mr. Sammet's testimony concerning the Redevelopment Investigation Report and the comments from the public, the Planning Board accepted the findings of the Redevelopment Investigation Report and concluded that the Study Area meets the criteria for designation as an area in need of redevelopment under the Redevelopment Law and recommending that the Mayor and Council designate the Study Area as an area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Mayor and Council accept the conclusions of the Redevelopment Investigation Report and the Planning Board's recommendation and wish to designate the Study Area as an area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Westfield that the Study Area described herein be and hereby is designated as a Non-Condemnation Redevelopment Area, pursuant to the Redevelopment Law.

I hereby certify that the within Resolution is a true and exact copy of the Resolution adopted by the Westfield Town Council at their meeting of February 25, 2020.

Tara Rowley, RMC



STICKEL, KOENIG, SULLIVAN & DRILL, LLC

ATTORNEYS AT LAW

571 POMPTON AVENUE CEDAR GROVE, NEW JERSEY 07009

MICHAEL D. SULLIVAN JONATHAN E. DRILL

KATHRYN J. RAZIN OF COUNSEL 973-239-8800 PH 973-239-0369 Fx

EMAIL: jdrill@sksdlaw.com

July 25, 2017

FRED G. STICKEL, III (1978 – 1996) STUART R. KOENIG (1978 – 2012)

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Re: I

In re: Town of Westfield Third Round Mount Laurel Compliance, Docket No. UNN-L-2391-15 -- Settlement of Elite Homebuilding, LLC ("Elite") Objections

Dear Henry:

I am writing to memorialize the settlement of Elite's objections (the "Elite Settlement") to the Town of Westfield (the "Town") and Fair Share Housing Center ("FSHC") agreement to settle the above captioned declaratory judgment action (the "Mt. Laurel Settlement Agreement"). I ask you to countersign a copy of the within letter below and email it back to me and to FSHC so that FSHC can then countersign it and email it to both of us, confirming that the Elite settlement terms are acceptable to all parties.

Subject to written confirmation of the approval of FSHC to the Elite Settlement by FSHC signing a copy of the within letter, and subject to the court's special master Phil Caton agreeing to the Elite Settlement, and subject to approval of the Court as part of the Fairness Hearing and subject to ultimate entry of a Judgment of Compliance and Repose by the Court, the Town accepts your client's settlement counter offer to settle Elite's objections as follows:

1. As to the Elite South site (Block 4004, Lot 17; Block 4005, Lots 3 and 4), the Town will agree to create a new overlay zone on the south side of South Avenue to encompass the Elite South site consisting of 1.56-acres (according to the information provided in the April 25, 2017 letter from David Checchio, Esq. Block 4005, Lot 3 – 0.84 acres; Block 4005, Lot 4 – 0.34 acres and Block 4004, Lot 17 – 0.38 acres). The Town acknowledges and agrees that Lot 17 is not contiguous to Lots 3 and 4, and that the mixed use building will be located on Lots 3 and 4 at the full density allowed for the entire 1.56 acres. Lot 17 shall be used for either parking or open space appurtenant to Lots 3 and 4. This proposed overlay zone would allow multifamily residential housing at 25 units per acre with a required affordable housing set aside of 15% for the rental units. The affordable units shall meet all the provisions of the

Henry Kent-Smith, Esq.

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ordinances adopted in accordance with the Mt. Laurel Settlement Agreement. The buildings shall not exceed three (3) stories, including parking. The Town will agree with your client's proposal set forth in the April 25, 2017 letter from David Checcio, Esq. to have up to 5,000 square feet of retail on the ground floor of the Elite South site, with the retail space to be neighborhood retail and service uses designed to serve a strictly local population.

- 2. As to the Elite North site (Block 3307, Lots 1 and 2), the Town will agree to increase the density of the existing proposed overlay as to the Elite North site lots only (not the other lot in the 30 unit per acre overlay zone) from 30 units per acre to 37.77 units per acre, which includes a transfer of the three (3) affordable units from your client's Townhouse project on Myrtle and Grove to the Elite North site. This will increase the unit count on the Elite North site to 156 units (total of market and affordable units) and will reduce the Townhouse project from 16 units (total of market and affordable) to 13 market rate units. The Elite North site consists of 4.13-acres (according to the information provided in the April 25, 2017 letter from David Checchio, Esq. Block 3307, Lot 1 1.38 acres; and Block 3307, Lot 2 2.75-acres). The required affordable housing set aside for the Elite North site shall be 15% for the rental units but, again, will require an additional three (3) units of affordable housing which will be transferred from the Townhouse site to the Elite North site. The affordable units shall meet all the provisions of the ordinances adopted in accordance with the Mt. Laurel Settlement Agreement.
- The three (3) units of affordable housing transferred from the Townhouse Project to the Elite North site shall be earmarked for special needs tenants and shall be provided as follows: one (1) 3bedroom unit; and two (2) 2-bedroom units. For purposes of phasing, the three (3) special needs units shall be included in the phasing schedule required by N.J.A.C. 5:93-5.6(d) for the Elite North development and shall provided regardless of when or if the Townhouse project on Myrtle and Grove proceeds to be developed. The calculation of required 13% very low income units shall include the 3 total affordable special needs units and the 1 very low income special need units in the calculation. By way of example, if there are 26 total affordable units provided on the Elite North site, there will be four total very low income units provided, one of which is the required very low income special need unit. For all other purposes, including affordability averages, low- and moderate-income split, and bedroom distribution, the three (3) special needs units shall be treated separately under the terms of this agreement. This means that the calculations related to the required 15-percent set-aside regarding affordability averages, low-and moderate-income split, and bedroom distribution, shall be performed without regard to the three (3) special needs units. The three (3) special needs units shall count each as one credit for purposes of calculating how many units of affordable housing must be provided by Elite, with the parties agreeing that credits will not be calculated by bedroom. One of the 2-bedroom special needs units shall be available to a very low-income household comprised of persons or a family with disabilities. One of the 2-bedroom units shall be available to a low-income household comprised of persons or a family with disabilities. The 3-bedroom unit shall be available to a moderate-income household comprised of persons or a family with disabilities. Elite agrees to collaborate with and enter into an agreement with an experienced supportive housing provider in order to market and provide supportive services for the three (3) special needs units. Elite agrees to consult FSHC regarding the selection of the experienced supportive housing provider, but Elite alone shall select the provider. All other affordable units on the Elite North site shall meet all the provisions of the ordinances adopted in

Henry Kent-Smith, Esq.

In re: Town of Westfield Third Round Mount Laurel Compliance,
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accordance with the Mt. Laurel Settlement Agreement. The Town will agree with your client's proposal set forth in the April 25, 2017 letter from David Checcio, Esq. to allow four (4) story buildings (including parking) where closest to the Raritan Valley railroad line but a three (3) story (including parking) limitation for buildings within 100 feet of South Avenue and, additionally, that the ordinance would provide a conditional use limitation that four (4) stories (including parking) shall be allowed only if there are no existing residential uses within 200 feet of the proposed fourth story in the Town of Westfield. The Town will also agree with your client's proposal set forth in the April 25, 2017 letter from David Checcio, Esq. to have up to 12,000 square feet of retail on the ground floor of the Elite North site, with the retail space to be neighborhood retail and service uses designed to serve a strictly local population.

- 4. As set forth above, the other lot in the existing proposed 30 units per acre overlay (Block 3307, Lot 3) will remain at 30 units per acre density. Additionally, the following sites will be removed from the settlement plan in exchange for the addition of the Elite South sites into the settlement plan and the increase in density on the Elite North sites from 30 units per acre to 37.77 units per acre. Site 1 (Block 3202, Lot 1), site 19 (Block 2606, Lot 4) and site 20 (Block 2606, Lot 5.01) shall be removed from the settlement plan in exchange for the addition of the Elite South site into the settlement plan. Site 16 (Block 3202, Lot 17) and site 17 (Block 3305, Lot 2) shall be removed from the settlement plan in exchange for the increase in density of the Elite North site from 30 units per acre to 37.77 units per acre.
- 5. The Town is aware that the Townhouse site is currently before the Board of Adjustment for an amended approval. Elite agrees to seek no more than 13 units on the Townhouse site and the Town will advise the Board of Adjustment that Elite does not have to provide any affordable units on that site.
- 6. The Town's agreement is conditioned on the project(s) proposed by Elite being reviewed and found acceptable to the Town from a design and aesthetic standpoint (Elite will need to update and revise the Elevations, Site Plan and Unit Floor Plans that it previously submitted) and on Elite withdrawing its objections and the report prepared by Art Bernard that you submitted to Judge Cassidy. Elite and its principals agree that they will not appear as an objector to the settlement of the above declaratory judgment action regarding the Elite North site, the Elite South site, the Townhouse project and/or any other property located in the Town and/or located in any other municipality.
- 7. Finally, Elite agrees to pay to FSHC within 10 days after the completion of the Fairness Hearing the sum of \$8,000 representing attorneys' fees and cost incurred by FSHC related to the litigation and settlement. While payment of said sum can be enforced by a motion in aid of litigant's rights brought by FSHC against Elite, failure of Elite to make said payment to FSHC shall not negate, nullify or void the within Elite Settlement or the Mt. Laurel Settlement Agreement.

Henry Kent-Smith, Esq.

In re: Town of Westfield Third Round Mount Laurel Compliance,
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Respectfully submitted,

JONATHAN E. DRILL

On behalf of Elite Homebuilding, LLC:

Charles of

Dated: 8.3.2617

On behalf of Fair Share Housing Center:

Dated

copy:

Russell Finestein, Esq. (Town attorney) – via email Henry Kent-Smith, Esq. (attorney for Elite) – via email Kevin Walsh, Esq. (attorney for FSCH) – via email Philip B. Caton (Special Master) – via email



§ 11.39. SW-AHO AFFORDABLE HOUSING OVERLAY DISTRICT. [Added 03-13-18 by Ord. No. 2097]

- Α. Purpose and intent. The purpose of this article is to supplement Article 11 of the Code of the Town of Westfield in such a manner as to provide for the realistic opportunity for the development of affordable housing for households of low and moderate income, as required by Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and consistent with an amended order entered by the Superior Court of New Jersey on October 30, 2017 and filed by the court on November 1, 2017 which approved the settlement of a declaratory judgment action filed by the Town of Westfield titled <u>In re Town of Westfield Compliance</u> with Third Round Mount Laurel Affordable Housing Obligations, Docket No. UNN-L-2391-15, (the "DJ Action") (the "Settlement Approval Order"). These regulations are intended to implement the Settlement Approval Order.
- B. **Applicability**. These regulations shall apply to the following properties: Block 3307, Lots 1 and 2; Block 4004, Lot 17; and Block 4005, Lots 3 and 4, all as shown on the Official Tax Map of the Town of Westfield. This overlay includes the following two subzones:
 - 1. <u>North Subzone</u>: Block 3307, Lots 1 and 2, which are currently located in the C zone district on the Zoning Map of the Town of Westfield.
 - 2. <u>South Subzone</u>: Block 4004, Lot 17; and Block 4005, Lots 3 and 4, which are currently located in the GB-2 zone district on the Zoning Map of the Town of Westfield.
- C. **Principal uses and structures**. In addition to any use permitted in the underlying zone district, the following principal uses and structures shall be permitted in the SW-AHO zone district:
 - 1. Multi-family residences as defined in Article 2.
 - 2. Retail sales and retail services designed to serve a strictly local population on the ground floor only.
 - 3. Private open space, private parks and playgrounds.
 - 4. Block 4004, Lot 17, as shown on the Official Tax Map of the Town of Westfield, shall be used for either parking or open space appurtenant to Block 4005, Lots 3 and 4.
 - 5. Existing permitted uses, permitted by the underlying zone district.
 - 6. Development of a site in the SW-AHO is permitted for either a permitted use authorized pursuant to the underlying zone

or in the alternative, a use permitted by the overlay zone, but not both.

Multiple principal uses shall be permitted within a single building.

- D. Accessory uses and structures. The following accessory uses and structures shall be permitted in the SW-AHO district:
 - 1. Parking and parking facilities as regulated herein;
 - 2. Signs as regulated in Article 16;
 - 3. Antennas, as regulated in § 13.04; and
 - 4. Accessory uses and structures customarily subordinate and incidental to permitted principal uses and shall include building lobbies, community rooms, fitness rooms, laundries, roof terraces on first or second story rooftops only, pools, storage and stormwater management facilities.
- E. **Prohibited uses and structures**. Any uses or structures, other than those uses or structures permitted in subsection C through D above, are prohibited.
- F. Bulk and lot regulations North Subzone. The following bulk and lot regulations shall apply to all developments within the North Subzone of the SW-AHO zone district:
 - 1. $\underline{\text{Minimum tract area}}$. There shall be a minimum tract area of four (4) acres.
 - 2. Minimum lot frontage and lot width. There shall be a minimum lot frontage and lot width of six hundred (600) feet along South Avenue.
 - 3. Minimum front yard. Ten (10) feet.
 - 4. Minimum side yard. Ground floor: Five (5) feet. Upper floors: Fifteen (15) feet.
 - 5. <u>Minimum rear yard</u>. Ground floor: Five (5) feet. Upper floors: Fifteen (15) feet.
 - 6. Maximum building height. No principal building shall exceed sixty-five (65) feet in height, as measured from average grade to the roof ridge. The maximum number of stories, including parking, shall be three stories within 100 feet of South Avenue and/or within 200 feet of any existing residential use in the Town of Westfield, and four stories beyond 100 feet of South Avenue and 200 feet of any existing residential use in the Town of Westfield.

- 7. Maximum coverage by buildings and other structures. No more than ninety-five (95) percent of the area of any lot shall be covered by buildings and above-grade structures. Earthen flood detention basins as defined herein shall not be considered as a building or structure for purposes of computing this coverage.
- 8. <u>Maximum density</u>. The maximum density shall be thirty-seven and seventy-seven hundredths (37.77) units per acre.
- 9. Maximum retail floor area. The maximum floor area devoted to retail sales and retail service uses shall be twelve thousand (12,000) square feet. Such uses shall be designed to serve a strictly local population.
- 10. Floor area requirements. The minimum floor area provisions of Article 12 of the Town of Westfield Land Use Ordinance § 12.04D shall not apply to the SW-AHO zone district, nor shall there by any maximum floor area ratio requirements applicable to the SW-AHO zone district.
- G. Bulk and lot regulations South Subzone. The following bulk and lot regulations shall apply to all developments within the South Subzone of the SW-AHO district:
 - 1. <u>Minimum tract area</u>. There shall be a minimum tract area of one (1) acre, which may include the total of all parcels in the subzone.
 - 2. Minimum lot frontage and lot width. There shall be a minimum lot frontage and lot width of three hundred fifty (350) feet along South Avenue, which may be non-contiguous and include the total of all parcels in the subzone.
 - 3. Minimum front yard along South Avenue. Ten (10) feet.
 - 4. <u>Minimum street side yard along Windsor Avenue</u>. Fifteen (15) feet.
 - 5. Minimum side yard. Fifteen (15) feet.
 - 6. <u>Minimum rear yard (opposite South Avenue)</u>. Twenty-five (25) feet.
 - 7. Maximum building height. No principal building shall exceed forty (40) feet in height, as measured from average grade to the roof ridge. The maximum number of stories shall be three stories, including parking.
 - 8. Maximum coverage by buildings and other structures. No more than seventy (70) percent of the total area of all parcels in the subzone shall be covered by buildings and above-grade structures. Earthen flood detention basins as defined

herein shall not be considered as a building or structure for purposes of computing this coverage.

- 9. Maximum coverage by improvements. No more than ninety (90) percent of the total area of all parcels in the subzone shall be covered by physical improvements, including, but not limited to, buildings; above-grade structures; and atgrade structures including, but not limited to, sidewalks, parking areas, patios, driveways, swimming pools, etc.
- 10. Maximum density. The maximum density shall be twenty-five (25) units per acre. Density shall be calculated for the entire area of the South Subzone of the SW-AHO zone district, including non-contiguous parcels.
- 11. <u>Maximum retail floor area</u>. The maximum floor area devoted to retail and other commercial uses shall be five thousand (5,000) square feet.
- 12. Floor area requirements. The minimum floor area provisions of Article 12 of the Town of Westfield Land Use Ordinance § 12.04D shall not apply to the SW-AHO zone district, nor shall there by any maximum floor area ratio requirements applicable to the SW-AHO zone district.

H. Design Standards.

- 1. The Design Standards set forth in § 10.15 shall apply.
- 2. The longest dimension of any continuous exterior wall of any building shall not be greater than fifty (50) feet. For the purpose of administering this provision, any exterior wall that is offset for a depth of four (4) feet or greater shall be construed as a separate wall.
- 3. The use of vinyl siding as an exterior wall material is prohibited.
- I. Parking. All parking shall be located within the subzone it is intended to serve and shall be enclosed within a building, with the exception of a maximum of twenty (20) surface parking spaces in the South Subzone. All parking and driveway improvements shall comply with the provision of the Residential Site Improvement Standards (RSIS), except that the minimum number of parking spaces shall be as listed below. In addition, development of all property within this zone shall be in compliance with the following provisions of Article 17 of the Town of Westfield Land Use Ordinance §§ 17.05B and C, 17.06, 17.07, 17.08, 17.09, 17.10, 17.11, 17.12 and 17.13. The parking space depth requirement in § 17.04A for spaces with no curb overhang shall not apply to the SW-AHO zone district. The following minimum parking ratios shall apply to uses within the SW-AHO zone district:

- 1. <u>Residential uses</u>. The RSIS standards for high-rise dwellings shall apply.
- 2. <u>Nonresidential uses</u>. One (1) space for each three hundred (300) square feet of gross floor area.
- J. Yard location and minimum setbacks for parking areas. Off-street parking areas are prohibited in front and street side yards, and parking areas shall be set back at least five (5) feet from side and rear property lines.
- K. Loading. The requirements for the minimum number of off-street loading and unloading spaces in Article 17 of the Town of Westfield Land Use Ordinance § 17.02E shall not apply to the SW-AHO zone district.
- L. **Residential unit location restrictions.** There shall be no residential units on the ground floor of any building. The ground floor shall only be used for common areas and facilities for the residents of the building, parking and permitted nonresidential uses.
- M. Affordable housing set aside in the North Subzone. In the North Subzone of the SW-AHO, at least fifteen (15) percent of the units constructed, plus three additional housing units transferred to the North Subzone of the SW-AHO zone district pursuant to the settlement approval order, shall be rented at rates affordable to low-, very low- and moderate-income limits in accordance with all applicable regulations of the affordable housing regulations of Article 23, the state's Uniform Housing Affordability Controls (N.J.A.C 5:80-26.1 et seq.) and Council on Affordable Housing regulations (N.J.A.C. 5:97-1.1 et seq.), with any fractional unit to be rounded upward. All affordable units shall be constructed on site. The three additional affordable housing units shall be earmarked for special needs tenants in accordance with the requirements set forth in the settlement approval order.
- N. Affordable housing set aside in the South Subzone. In the South Subzone of the SW-AHO, at least fifteen (15) percent of the units constructed shall be rented at rates affordable to low-, very low- and moderate-income limits in accordance with all applicable regulations of the affordable housing regulations of Article 23, the state's Uniform Housing Affordability Controls (N.J.A.C 5:80-26.1 et seq.) and Council on Affordable Housing regulations (N.J.A.C. 5:97-1.1 et seq.), with any fractional unit to be rounded upward. All affordable units shall be constructed on site.
- O. Other regulations. In addition to the above requirements, any development in the SW-AHO district must comply with all applicable regulations of this ordinance including, but not limited to, the following:

- 1. The general provisions of Article 12, except as regulated herein;
- 2. The regulations affecting accessory buildings, structures and uses in Article 13; and
- 3. The sign provisions of Article 16.



TOWN OF WESTFIELD WESTFIELD NEW JERSEY

r: Green Team Pl+Zoning

RESOLUTION NO. 127-2020

CODE REVIEW & TOWN PROPERTY COMMITTEE

JUNE 9, 2020

WHEREAS, land use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

WHEREAS, well planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

WHEREAS, Given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead;

WHEREAS, in 2019, the Town of Westfield adopted by resolution a Master Plan Reexamination Report (MPRR) that included a vision statement, guiding principles, and goals and objectives, as well as over 30 recommended actions, that explicitly addressed sustainability and elaborate on the seven sustainability elements listed below.

NOW THEREFORE, we the Town of Westfield resolve to apply the seven land use principles described below and the MPRR sustainability recommendations to guide the development of future Master Plan Elements, including initially during the stakeholder engagement and public participation process supporting the preparation of a Unified Land Use and Circulation Element to its Master Plan (updating the existing Land Use Element and Circulation Element) as well as to update our land-use zoning, natural resource protection, and other ordinances accordingly. The adopted Sustainable Land Use Pledge resolution will be distributed to the Planning Board, Zoning Board, Green Team and other relevant boards and commissions.

Regional Cooperation - We pledge to reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when making land-use decisions.

Transportation Choices - We pledge to create transportation choices with a Complete Streets approach by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects and reviewing development applications. We will reevaluate our parking with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.

Natural Resource Protection - We pledge to take action to protect the natural resources of the State for environmental, recreational and agricultural value, avoiding or mitigating negative impacts to these resources. Further, we pledge to complete a Natural Resources Inventory when feasible to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning.

Mix of Land Uses - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.

Housing Options - We pledge, through the use of our zoning and revenue generating powers, to foster a diverse mix of housing types and locations, including single- and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels.

Green Design - We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.

Municipal Facilities Siting - We pledge, to the extent feasible, to take into consideration factors such as walkability, bikability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

I hereby certify that the within Resolution is a true and exact copy of the Resolution adopted by the Westfield Town Council at their meeting of June 9, 2020.

Tara Rowley, RMC

Town Clerk